

EXHIBIT 5

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

MELVIN THOMAS,

Plaintiff

Case No.

vs.

1:23-CV-03379-BAH

GEORGE VIGUE, ET AL,

Defendants

_____/

Pursuant to Notice, the videotaped
deposition of MELVIN THOMAS was taken on
Monday, August 11, 2025, commencing at 9:35
a.m., at the offices of Ballenger & Roche, LLC,
401 E. Pratt Street, Suite 2341, Baltimore,
Maryland 21202 before David C. Corbin, a
Registered Professional Reporter and Notary
Public.

REPORTED BY: David Corbin, RPR

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<p>1 A P P E A R A N C E S</p> <p>2 ON BEHALF OF THE PLAINTIFF:</p> <p>3 MATT BALLENGER, ESQUIRE</p> <p>4 Ballenger & Roche, LLC</p> <p>5 401 E. Pratt Street, Suite 2341</p> <p>6 Baltimore, Maryland 21202</p> <p>7 mballenger@br-lawyer.com</p> <p>8 ON BEHALF OF THE PLAINTIFF:</p> <p>9 BOOTH RIPKE, ESQUIRE</p> <p>10 LARRY NATHANS, ESQUIRE</p> <p>11 KERRY MULLIN</p> <p>12 Nathans & Ripke, LLP</p> <p>13 120 E. Baltimore Street, Suite 1800</p> <p>14 Baltimore, Maryland 21202</p> <p>15 Bripke@nathanslaw.com</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>	<p>1 I N D E X</p> <p>2 Name of Witness</p> <p>3 Melvin Thomas</p> <p>4 Examination: Page</p> <p>5 By Ms. Goo 8</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8 Exhibit 1 Complaint 12</p> <p>9 Exhibit 2 Answers to interrogatories 12</p> <p>10 Exhibit 3 Letter 5/5/25 with Medical records 119</p> <p>11 Exhibit 4 Inmate hearing record. Violation 161</p> <p>12 date 9/26/06</p> <p>13 Exhibit 5 Hearing decision review, 8/27/08 163</p> <p>14 Exhibit 6 Information report form, 11/9/11 164</p> <p>15 Exhibit 7 Notice of inmate rule violation, 166</p> <p>16 9/4/12</p> <p>17 Exhibit 8 Notice of inmate rule violation, 167</p> <p>18 5/26/13</p> <p>19 Exhibit 9 Notice of inmate rule violation, 167</p> <p>20 5/29/13</p> <p>21 Exhibit 10 Notice of inmate rule violation, 168</p>
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<p>1 ON BEHALF OF THE DEFENDANTS:</p> <p>2 CHRISTINE GOO, ESQUIRE</p> <p>3 PERRY WASSERMAN, ESQUIRE</p> <p>4 BEN GRUEN, ESQUIRE</p> <p>5 EPHRAIM SIFF, ESQUIRE (via Zoom)</p> <p>6 Nathan & Kamionski, LLP</p> <p>7 575 S. Charles Street, Suite 402</p> <p>8 Baltimore, Maryland 21201</p> <p>9 cgoo@nklawllp.com</p> <p>10</p> <p>11 VIDEOGRAPHER: Brian Mackey</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>	<p>1 6/10/18</p> <p>2 Exhibit 11 Inmate hearing record, 10/22/19 170</p> <p>3 Exhibit 12 Inmate waiver of appearance with a 172</p> <p>4 Plea Agreement</p> <p>5 Exhibit 13 Motion for new trial 176</p> <p>6 Exhibit 14 Brockington Affidavit 295</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>

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<p>1 IT IS HEREBY STIPULATED AND AGREED that</p> <p>2 the reading and signing of this deposition are not</p> <p>3 waived.</p> <p>4 VIDEOGRAPHER: We are going on the record</p> <p>5 at 9:35 a.m. and August 11, 2025. This is</p> <p>6 media unit one in the deposition of Melvin</p> <p>7 Thomas in the matter of Melvin Thomas versus</p> <p>8 George Vigue, et al. In the United States</p> <p>9 District Court for the District of Maryland.</p> <p>10 Case number 1:23-CV-03379-BAH. This deposition</p> <p>11 is taking place at 401 East Pratt Street,</p> <p>12 Baltimore, Maryland. My name is Brian Mackey</p> <p>13 from Veritext and I'm the videographer. The</p> <p>14 court reporter today is Dave Corbin from</p> <p>15 Veritext. Would counsel please state their</p> <p>16 appearances and affiliations for the record.</p> <p>17 MR. BALLENGER: Yes, good morning. Matt</p> <p>18 Ballenger or behalf of the plaintiff.</p> <p>19 MR. RIPKE: Booth Ripke on behalf of the</p> <p>20 plaintiff.</p> <p>21 MR. NATHANS: Larry Nathans on behalf of</p>	<p>1 THE WITNESS: Okay.</p> <p>2 VIDEOGRAPHER: Will the reporter please</p> <p>3 swear in the witness.</p> <p>4 MELVIN THOMAS,</p> <p>5 duly been sworn/affirmed to tell the truth, the</p> <p>6 whole truth, and nothing but the truth, testifies as</p> <p>7 follows:</p> <p>8 E X A M I N A T I O N</p> <p>9 BY MS. GOO:</p> <p>10 Q. All right. Good morning, Mr. Thomas. As</p> <p>11 I just stated, my name is Christine Goo. I</p> <p>12 represent the officer defendants, and those are</p> <p>13 Detectives Vigue, Copeland and Danielczyk in this</p> <p>14 case. I'm just going to go through a couple</p> <p>15 preliminary questions and ground rules with you</p> <p>16 before we get started, okay?</p> <p>17 A. Okay.</p> <p>18 Q. So the first thing is I just want to make</p> <p>19 sure that you are in a capacity to take your</p> <p>20 deposition this morning. So the questions I ask you</p> <p>21 are not meant to embarrass you in any way, it's just</p>
Page 7	Page 9
<p>1 the plaintiff.</p> <p>2 MS. MULLIN: Kerry Mullin on behalf of</p> <p>3 plaintiff.</p> <p>4 MS. GOO: Christine Goo with Nathan</p> <p>5 Kamionski on behalf of the defendants.</p> <p>6 MR. WASSERMAN: Good morning. My name is</p> <p>7 Perry Wasserman with Nathan Kamionski on behalf</p> <p>8 of defendant officers.</p> <p>9 MR. GRUEN: Ben Gruen also with Nathan</p> <p>10 Kamionski on behalf of defendant officers.</p> <p>11 MR. WASSERMAN: And we have Mr. Ephraim</p> <p>12 Siff with Nathan Kamionski --</p> <p>13 THE WITNESS: What did you say again.</p> <p>14 MR. WASSERMAN: I'm sorry.</p> <p>15 THE WITNESS: I didn't hear what you said.</p> <p>16 MR. WASSERMAN: Let me just introduce our</p> <p>17 counsel on Zoom. His name is Ephraim Siff,</p> <p>18 S-I-F-F, with Nathan and Kamionski on behalf of</p> <p>19 officer defendants. My name is Perry</p> <p>20 Wasserman. I'm an attorney representing the</p> <p>21 defendant officers.</p>	<p>1 to make sure that you're thinking clear minded and</p> <p>2 you're able to testify in a capacity that would be</p> <p>3 acceptable for the court, okay?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. So the first question is have you taken</p> <p>6 any medications this morning?</p> <p>7 A. No.</p> <p>8 Q. Okay. Are there any medications that you</p> <p>9 typically take that you did not take this morning</p> <p>10 that would somehow affect your ability to testify</p> <p>11 this morning?</p> <p>12 A. No.</p> <p>13 Q. Okay. And are you thinking clear headed</p> <p>14 this morning as well?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever had your deposition taken</p> <p>17 before?</p> <p>18 A. No.</p> <p>19 Q. And just to go over some basic ground</p> <p>20 rules, I obviously have a number of questions</p> <p>21 related to the lawsuit that you have brought with</p>

<p style="text-align: right;">Page 10</p> <p>1 your attorneys. There are objections that may come 2 from your attorneys, and I would encourage you to 3 pause if that's the case. Unless instructed you are 4 not to answer, you may answer the question even if 5 there is an objection. You are invited to let me 6 know if my question is unclear. Attorneys often ask 7 questions that are not the easiest to understand, so 8 if you don't understand a question, just say I'm not 9 sure I understand it, could you ask it differently, 10 and I'll try to rephrase my question in a way that 11 you can understand exactly what the question is. 12 Because we have a court reporter here today, and 13 this is probably the most important thing, court 14 reporter seated to your right to my left, it's 15 really important for him to get everything that 16 we're saying today. So sometimes you may want to 17 talk over me because you're anxious to answer a 18 question. I will also have to be mindful of letting 19 you finish your answer because we need to have a 20 clear record. Please wait until I finish asking my 21 questions until you start to answer it, okay?</p>	<p style="text-align: right;">Page 12</p> <p>1 can answer if you can. 2 A. Can you say that again? 3 Q. So the complaint -- actually if I could 4 get a copy of that, please. Showing this to 5 Plaintiff's counsel as Exhibit 1. 6 (Deposition Exhibit 1 marked.) 7 MR. BALLENGER: Okay. 8 Q. Mr. Thomas, there is -- this is the 9 complaint that was filed in this case on your 10 behalf. There are a number of factual allegations 11 and claims against the police officers in this case. 12 My question to you is do you adopt the facts as they 13 are there stated and the claims that were made in 14 the case? 15 A. Yes. 16 MR. BALLENGER: Same objection. Go ahead. 17 A. Yes. 18 Q. Okay. And there were a set of answers to 19 interrogatories that were filed on June the 17th of 20 2025. 21 (Deposition Exhibit 2 marked.)</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Okay. 2 Q. In terms of breaks, this is something I 3 mentioned to you before we came on the record, 4 we can take a break at any time. I just ask if 5 there is a question pending you answer the question 6 first and then we can take a break. 7 A. Okay. 8 Q. Understood. Okay. So could you please 9 state your full name for the record? 10 A. Yes. Melvin William Thomas, Junior. 11 Q. And I'm sorry, was there a middle name? 12 A. William. 13 Q. William, sorry, I didn't hear you. And do 14 you go by any nick names, Mr. Thomas? 15 A. No. 16 Q. Do you -- there was a complaint filed in 17 this case with a number of claims and allegations. 18 Do you adopt everything that was written in the 19 complaint? 20 MR. BALLENGER: I'm just going to object. 21 There is a lot of legal stuff in there. You</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Showing it to counsel. Okay. So I'm just 2 going to show you the first page and then direct 3 your attention to the last page. Sorry, the second 4 to last page of it on page 18. So if you could just 5 take a look at this first. And if I could direct 6 your attention to page 18. And do you see a 7 signature there on page 18? 8 A. Yes. 9 Q. Okay. And above your signature it says 10 that you swear and affirm under the penalties of 11 perjury that the foregoing is true and correct to 12 the best of my knowledge, information and belief; is 13 that correct? 14 A. Yes, ma'am. 15 Q. Okay. And do you adopt the answers that 16 were provided in those interrogatories in Exhibit 2? 17 MR. BALLENGER: Objection. Same thing 18 about legal content, but you can answer. 19 A. Yes. 20 Q. Okay. And do you swear to the truth of 21 the answers provided in that document?</p>

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<p>1 MR. BALLENGER: Same objection. You can</p> <p>2 answer.</p> <p>3 A. I don't -- I mean I haven't -- you want me</p> <p>4 to read through all this?</p> <p>5 Q. If you want to just take a moment to look</p> <p>6 at it, by all means.</p> <p>7 A. I don't -- Dewey Morgan, his statement</p> <p>8 don't seem full. Understand what I'm saying? Dewey</p> <p>9 Morgan it says everything but -- he actually</p> <p>10 witnessed the shooting.</p> <p>11 MR. BALLENGER: Where are you at, page</p> <p>12 three?</p> <p>13 A. Page three. Like he watched him shoot</p> <p>14 that boy.</p> <p>15 MR. BALLENGER: Okay.</p> <p>16 A. So that's something may be incomplete.</p> <p>17 Q. So Mr. Thomas, your correction to</p> <p>18 interrogatory answer number one is that Dewey Morgan</p> <p>19 actually observed the shooting?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p>	<p>1 of the complaint that was again filed on your behalf</p> <p>2 because of your claim that you were not the</p> <p>3 perpetrator in Myron Brockington's shooting back in</p> <p>4 2001; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And you got to speak up.</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Who is the real shooter?</p> <p>9 A. I don't know.</p> <p>10 Q. You don't know?</p> <p>11 A. No.</p> <p>12 Q. So you have no information about who --</p> <p>13 any identifying information for this person?</p> <p>14 A. I mean information.</p> <p>15 Q. Okay. And what is the information that</p> <p>16 you have about that person?</p> <p>17 A. I mean according to my so-called</p> <p>18 co-defendant, he said the person that was with him</p> <p>19 was a guy named Namey.</p> <p>20 Q. Namey?</p> <p>21 A. Yes.</p>
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<p>1 A. He did. According to him. He watched the</p> <p>2 argument. Then when he was going into the house,</p> <p>3 the shooting -- he heard the shots and he said he</p> <p>4 looked out the door or the window to witness the</p> <p>5 shooter shooting at Myron. And he seen him put up</p> <p>6 his hands, seen him run down the alley was his full</p> <p>7 statement.</p> <p>8 Q. Mr. Thomas, I see that you put the</p> <p>9 document down. Have you had a sufficient chance to</p> <p>10 review Exhibit 2, the answers to the</p> <p>11 interrogatories?</p> <p>12 A. Yes.</p> <p>13 Q. And had you had an opportunity to review</p> <p>14 this previously?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And you signed the statement below</p> <p>17 on page 18 because you are swearing under and</p> <p>18 affirming under the penalties of perjury that it is</p> <p>19 true and correct to the best of your knowledge?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So Mr. Thomas, we are here because</p>	<p>1 Q. I just wanted to make sure I have that</p> <p>2 right. Do you know Namey's true identity?</p> <p>3 A. Well, according to an investigation that</p> <p>4 my lawyer done after trial, he said his name was, I</p> <p>5 mean, Charles Floyd.</p> <p>6 Q. And which attorney was that?</p> <p>7 A. Lyle Jones.</p> <p>8 Q. Lyle Jones?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Have you ever met Charles Floyd?</p> <p>11 A. I didn't know him as Charles Floyd.</p> <p>12 Q. You knew him as Namey?</p> <p>13 A. Yes.</p> <p>14 Q. How did you encounter him?</p> <p>15 A. I mean we was -- he was around the same</p> <p>16 neighborhood that I grew up in.</p> <p>17 Q. Okay. Do you know where he lived?</p> <p>18 A. No.</p> <p>19 Q. What neighborhood was that?</p> <p>20 A. Perkins Projects.</p> <p>21 Q. Where in Perkins. Where in Perkins?</p>

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<p>1 A. I don't understand the question.</p> <p>2 Q. So you said in Perkins Projects. Perkins</p> <p>3 Projects is a pretty big area in East Baltimore. Is</p> <p>4 there a particular street, block that you're</p> <p>5 referring to when you say Perkins Projects?</p> <p>6 A. No.</p> <p>7 Q. Do you know exactly where he lived, which</p> <p>8 block?</p> <p>9 A. I didn't -- I never said he lived down</p> <p>10 there. I said he was hanging out there.</p> <p>11 Q. He was hanging around there?</p> <p>12 A. Yeah.</p> <p>13 Q. So you saw him in the area?</p> <p>14 A. Sometimes.</p> <p>15 Q. But is that what you're saying, you saw</p> <p>16 him in Perkins Projects on occasion?</p> <p>17 A. On occasion.</p> <p>18 Q. And what period of time was it that you</p> <p>19 saw him in Perkins Projects?</p> <p>20 A. Probably from some years, from my teenage</p> <p>21 years.</p>	<p>1 recall what your SID number was when you were in</p> <p>2 jail?</p> <p>3 A. My SID number?</p> <p>4 Q. Yes.</p> <p>5 A. No.</p> <p>6 Q. You don't remember what it was?</p> <p>7 A. No.</p> <p>8 Q. And how did you find out about the</p> <p>9 identity of Namey. Because I mean you said that you</p> <p>10 heard it from some folks. How did you learn that?</p> <p>11 A. That's what they called him.</p> <p>12 Q. How did you find out that Namey was the</p> <p>13 person that did the shooting of Myron Brockington?</p> <p>14 A. I can't say that -- that he did the</p> <p>15 shooting. I mean that's what allegedly was said. I</p> <p>16 wasn't there.</p> <p>17 Q. I understand that. How did you learn that</p> <p>18 rumor, that information, that he's the one who</p> <p>19 supposedly did it?</p> <p>20 A. Word on the street.</p> <p>21 Q. Okay. So word on the street. Who did you</p>
Page 19	Page 21
<p>1 Q. Your teenage years?</p> <p>2 A. Yeah.</p> <p>3 Q. And just to get a frame of reference, in</p> <p>4 terms of the time period, what year were you born?</p> <p>5 A. In '80.</p> <p>6 Q. 1980?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. So that would have been in the 90's that</p> <p>9 you saw him in Perkins Projects?</p> <p>10 A. Yeah, in the 90's.</p> <p>11 Q. Did you -- when you saw him, what was he</p> <p>12 doing. Was he just hanging out with people, was he</p> <p>13 visiting relatives, or was he engaging in any type</p> <p>14 of illegal conduct?</p> <p>15 A. I don't know. I mean when I used to see</p> <p>16 him it was basically just -- I seen him, like I</p> <p>17 don't know what he was doing.</p> <p>18 Q. Was he, you know, dealing drugs on the</p> <p>19 corner, anything like that?</p> <p>20 A. I wouldn't know.</p> <p>21 Q. Okay. And Mr. -- Mr. Thomas, do you</p>	<p>1 hear it from?</p> <p>2 A. People.</p> <p>3 Q. Who are the people you heard it from?</p> <p>4 A. I don't recall.</p> <p>5 Q. You don't recall who you heard it from?</p> <p>6 A. I mean there was people I guess.</p> <p>7 Q. Can you recall the name of one person who</p> <p>8 shared this information with you?</p> <p>9 A. My so-called co-defendant.</p> <p>10 Q. And who is that?</p> <p>11 A. Donte Lyle.</p> <p>12 Q. So Namey is somebody who -- actually,</p> <p>13 strike that. Have you ever had a conversation with</p> <p>14 Namey?</p> <p>15 A. Like ever?</p> <p>16 Q. Yes, ever.</p> <p>17 A. Yeah, I had a conversation with him</p> <p>18 before.</p> <p>19 Q. When did the two of you have a</p> <p>20 conversation?</p> <p>21 A. I don't know.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. Was it while you were on the street or in 2 jail?</p> <p>3 A. Oh, it was definitely on the street.</p> <p>4 Q. Was it before or after you served time for 5 Mr. Brockington's shooting?</p> <p>6 A. Before.</p> <p>7 Q. Okay. So possibly during the 90's, during 8 that period of time?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have -- are any of your friends, 11 associates, do you know if any of them had a 12 relationship with Namey?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And who of them are friends or 15 associates with Namey?</p> <p>16 A. Cousins that I seen hanging -- him hanging 17 with.</p> <p>18 Q. What are the names of those cousins?</p> <p>19 A. Specifically Larnell Ellis.</p> <p>20 Q. Larnell Ellis?</p> <p>21 A. Yeah.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. Yes.</p> <p>2 Q. And did you hear -- did you call him 3 Larnell or Tyreke?</p> <p>4 A. Tyreke.</p> <p>5 Q. Do you call -- did Tyreke ever say to you 6 that Namey is the one who shot Brockington?</p> <p>7 A. No.</p> <p>8 Q. Did you ever pass this information along 9 to law enforcement about the rumor of this being -- 10 the information that this was Namey who did the 11 shooting?</p> <p>12 A. I didn't even know about the -- a lot of 13 the information before the case until after trial.</p> <p>14 Q. When did you learn of this information to 15 the best of your recollection?</p> <p>16 A. When my lawyer did an investigation after 17 I was convicted.</p> <p>18 Q. And this was Lyle Jones?</p> <p>19 A. Yes.</p> <p>20 Q. So your trial occurred in early 21 December 2001, does that sound right?</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. Does he go by any other name other than 2 Larnell Ellis?</p> <p>3 A. Yes.</p> <p>4 Q. And what is that name?</p> <p>5 A. Tyreke.</p> <p>6 Q. And how does Tyreke, Tyreke Ellis, Larnell 7 Ellis, know Namey?</p> <p>8 A. Well, they are cousins.</p> <p>9 Q. They are blood relatives?</p> <p>10 A. I believe so. On his other side of the 11 family. At least that's what he says.</p> <p>12 Q. That's what who said?</p> <p>13 A. They said. Them two.</p> <p>14 Q. So did you hear that from Namey?</p> <p>15 A. I mean they was calling each other 16 cousins.</p> <p>17 Q. You heard Namey call Ellis cousins, 18 cousin?</p> <p>19 A. They both used to say that.</p> <p>20 Q. And you heard Tyreke call Namey cousin as 21 well?</p>	<p style="text-align: right;">Page 25</p> <p>1 A. Sound right.</p> <p>2 Q. Okay. You were convicted on December 6 of 3 2001?</p> <p>4 A. Yes.</p> <p>5 Q. And you were sentenced on April 8th of 6 2002; is that right?</p> <p>7 A. That sounds correct.</p> <p>8 Q. And in a motion for new trial on April the 9 8th, 2002, your attorney at that point had filed a 10 motion and raised some issues related to Namey at 11 that point; is that right?</p> <p>12 A. That sounds about correct.</p> <p>13 Q. Okay. So is that the investigation that 14 you're talking about then, you didn't learn about it 15 until after trial?</p> <p>16 A. Right.</p> <p>17 Q. Now, do you know whether or not Lyle Jones 18 brought this information to again law enforcement 19 letting them know that they had the wrong person?</p> <p>20 A. To my recollection, in the motion to the 21 new trial, I believe he took it to the States</p>

<p style="text-align: right;">Page 26</p> <p>1 Attorney.</p> <p>2 Q. So Mr. Thomas, I'm going to direct you to</p> <p>3 interrogatory number 21 in your answer. So it's the</p> <p>4 document right in front of you. Number 21 is on</p> <p>5 page 17. Let me know when you're at interrogatory</p> <p>6 21?</p> <p>7 A. Seventeen?</p> <p>8 Q. Page 17, yes. Okay. So interrogatory 21</p> <p>9 it says "state the name of the individual and that</p> <p>10 person's address or last known address whom you</p> <p>11 contend shot Myron Brockington on February 26,</p> <p>12 2001." The answer says "other than the nick name</p> <p>13 Namey, plaintiff does not have this information."</p> <p>14 But your testimony this morning is that you did know</p> <p>15 that this person -- person's name is Charles Floyd?</p> <p>16 A. No. I said that -- yeah, I know him as</p> <p>17 Namey. I didn't know about Charles Floyd until my</p> <p>18 lawyer brought that to my attention.</p> <p>19 Q. And that was Lyle Jones?</p> <p>20 A. Yes.</p> <p>21 Q. And that was back in 2002?</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Did you do that in the weeks leading up to</p> <p>2 the deposition today?</p> <p>3 A. Some. Not really. I got it in my brain.</p> <p>4 Q. So what did you review to prepare for</p> <p>5 today?</p> <p>6 A. Nothing.</p> <p>7 Q. We're going to go document by document.</p> <p>8 A. Nothing really.</p> <p>9 Q. You say nothing really but you said there</p> <p>10 was a couple of things that you have reviewed?</p> <p>11 A. Yeah, things that me and my lawyers went</p> <p>12 over.</p> <p>13 MR. BALLENGER: I'm going to object. You</p> <p>14 don't need to tell her about anything you spoke</p> <p>15 with or anything with your lawyers, that's</p> <p>16 attorney client privilege. In fact even asking</p> <p>17 him which specifics is probably attorney</p> <p>18 client. I'm giving you some leeway here on</p> <p>19 that.</p> <p>20 MS. GOO: All right. In terms of</p> <p>21 documents that he reviewed?</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And this was signed on June the</p> <p>3 17th of 2025, which you would agree with me is well</p> <p>4 after April of 2002, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. And is there any reason why you</p> <p>7 didn't provide that information in response to</p> <p>8 interrogatory number 21 about Charles Floyd?</p> <p>9 A. Because I know him as Namey.</p> <p>10 Q. But you also know that his name is Charles</p> <p>11 Floyd; isn't that right?</p> <p>12 A. I mean that ain't what I know him as.</p> <p>13 Q. And you also knew that he was at least</p> <p>14 around the area of Perkins Homes back in the 90's,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. All right. Mr. Thomas, in preparation for</p> <p>18 this deposition today did you review any documents,</p> <p>19 case filings, transcripts, anything like that prior</p> <p>20 to your testimony today?</p> <p>21 A. You mean today did I do that?</p>	<p style="text-align: right;">Page 29</p> <p>1 MR. BALLENGER: Uh-huh.</p> <p>2 Q. Were there any trial transcripts that you</p> <p>3 looked at?</p> <p>4 A. Trial transcripts?</p> <p>5 Q. Uh-huh.</p> <p>6 MR. BALLENGER: Just for clarification,</p> <p>7 I'm not making an objection, but I'm a little</p> <p>8 concerned because he's been reviewing documents</p> <p>9 since he was in jail. So can you give a little</p> <p>10 bit of a timeframe in terms of what your...</p> <p>11 Q. So since your deposition was noted for</p> <p>12 today, so for the last -- we'll call it for the last</p> <p>13 month, have you reviewed any of the trial</p> <p>14 transcripts in your case?</p> <p>15 A. Some.</p> <p>16 Q. Some. Okay. Were there particular dates</p> <p>17 or witness's testimonies that you reviewed?</p> <p>18 A. I don't recall.</p> <p>19 Q. Okay. Did you review any of the police</p> <p>20 reports in your case -- in preparing for your</p> <p>21 deposition today?</p>

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<p>1 A. Police reports? Maybe.</p> <p>2 Q. Maybe. Okay. And if I ask you what</p> <p>3 reports those are, do you recall what they are?</p> <p>4 A. Not by you asking me, no.</p> <p>5 Q. Okay. While you were -- I'll ask this</p> <p>6 question differently. So have you kept your own</p> <p>7 files related to this -- to your case?</p> <p>8 A. Yes.</p> <p>9 Q. So you have an existing set of files now?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And is that something that you keep</p> <p>12 at home?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And when you were in jail, did you</p> <p>15 also keep files related to this case?</p> <p>16 A. Yes.</p> <p>17 Q. How long had you been keeping files for</p> <p>18 related to this case?</p> <p>19 A. Since I've been collecting them since my</p> <p>20 incarceration.</p> <p>21 Q. So since, we will call it, 2001?</p>	<p>1 A. Where I reside at.</p> <p>2 Q. Okay. And with whom did you reside there</p> <p>3 with?</p> <p>4 A. Myself.</p> <p>5 Q. Okay. Do you have any siblings?</p> <p>6 A. Yes.</p> <p>7 Q. And what are the names and ages of your</p> <p>8 siblings?</p> <p>9 A. Blake and Mildred Thomas.</p> <p>10 Q. Are those your only two siblings?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And how old is Blake?</p> <p>13 A. He a year younger than me. So he will be</p> <p>14 going on 44, I believe.</p> <p>15 Q. And how old is Mildred?</p> <p>16 A. A year younger than him, so she may be</p> <p>17 going on 43.</p> <p>18 Q. Do you have children?</p> <p>19 A. Yes, one.</p> <p>20 Q. One. And how old is your child?</p> <p>21 A. Twenty-three.</p>
Page 31	Page 33
<p>1 A. Yes.</p> <p>2 Q. Mr. Thomas, where do you currently live?</p> <p>3 A. 719 North Carrollton Avenue.</p> <p>4 Q. How long have you been living there for?</p> <p>5 A. Almost going on four years.</p> <p>6 Q. Is that where you have resided since you</p> <p>7 got out?</p> <p>8 A. No.</p> <p>9 Q. Where did you first reside when you got</p> <p>10 out of jail?</p> <p>11 A. Dundalk.</p> <p>12 Q. Dundalk?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall the address?</p> <p>15 A. I know it's Kelmores Road. I don't recall</p> <p>16 the address.</p> <p>17 Q. How do you spell Kelmores?</p> <p>18 A. K-E-L-M-O-R-E.</p> <p>19 Q. And how long did you stay there for?</p> <p>20 A. Almost a year.</p> <p>21 Q. And after that where did you go to?</p>	<p>1 Q. And what is her name?</p> <p>2 A. Melajah Thomas.</p> <p>3 Q. Melajah Thomas?</p> <p>4 A. M-E-L-J-A -- I mean M-E-L-A-J-A-H.</p> <p>5 Q. And do you have any grandchildren?</p> <p>6 A. No.</p> <p>7 Q. Are you currently employed?</p> <p>8 A. Yes.</p> <p>9 Q. Where are you employed?</p> <p>10 A. Well, I have a food truck and I have a</p> <p>11 clothing company.</p> <p>12 Q. You said it was a food truck?</p> <p>13 A. Yes.</p> <p>14 Q. What kind of food?</p> <p>15 A. Halal.</p> <p>16 Q. Halal?</p> <p>17 A. Yeah.</p> <p>18 Q. And how often do you operate the truck?</p> <p>19 A. I don't operate it never.</p> <p>20 Q. Sorry.</p> <p>21 A. I don't operate it never. I have</p>

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<p>1 employees for that.</p> <p>2 Q. You have employees for that. How many</p> <p>3 food trucks do you have?</p> <p>4 A. One.</p> <p>5 Q. And how often does the food truck do</p> <p>6 business?</p> <p>7 A. Daily.</p> <p>8 Q. Daily. Sunday through Saturday?</p> <p>9 A. Sunday through Saturday.</p> <p>10 Q. Sunday through Saturday. How many hours?</p> <p>11 A. Unless -- unless there is an event on a</p> <p>12 Sunday.</p> <p>13 Q. So Sundays they have the days off. Is it</p> <p>14 six days a week they operate?</p> <p>15 A. Yeah, unless there is an event.</p> <p>16 Q. And when did you -- so do you own the food</p> <p>17 truck?</p> <p>18 A. Yes.</p> <p>19 Q. When did you buy the food truck?</p> <p>20 A. About three years ago.</p> <p>21 Q. How did that opportunity present itself to</p>	<p>1 that.</p> <p>2 Q. And presumably there is some type of</p> <p>3 cooking prep that needs to be done in advance?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And is he getting paid for that or</p> <p>6 is that part of the whole?</p> <p>7 A. No, different employees get paid for</p> <p>8 different things.</p> <p>9 Q. So it just -- you said -- sorry, how many</p> <p>10 employees do you have?</p> <p>11 A. I don't -- I can't say how many employees</p> <p>12 I have because he rotates them. I don't do none of</p> <p>13 that. I'm just owner, investor.</p> <p>14 Q. Okay. So he has -- he's the one who is</p> <p>15 running the truck?</p> <p>16 A. Right.</p> <p>17 Q. Okay. And then he employs other people?</p> <p>18 A. To work the truck.</p> <p>19 Q. Work the truck?</p> <p>20 A. Right.</p> <p>21 Q. Is he responsible for paying them?</p>
Page 35	Page 37
<p>1 you?</p> <p>2 A. I have a -- my partner, he owns</p> <p>3 restaurants and food trucks, and he gave me the</p> <p>4 opportunity to buy into it.</p> <p>5 Q. And how much did the food truck cost?</p> <p>6 A. I think I paid 70 grand for that food</p> <p>7 truck.</p> <p>8 Q. And how much do you pay your one employee</p> <p>9 to run the truck. Like on -- does he get paid a</p> <p>10 salary or is it like daily --</p> <p>11 A. Yeah, he gets paid a salary.</p> <p>12 Q. And how much is he paid?</p> <p>13 A. Thousand dollars a week.</p> <p>14 Q. And how many hours during the day does he</p> <p>15 work?</p> <p>16 A. I don't know.</p> <p>17 Q. So does -- I mean is it like an eight hour</p> <p>18 job, is it like a three hour job. I mean just to</p> <p>19 get some idea?</p> <p>20 A. It's around -- they go out around 9:30,</p> <p>21 10:00 and they return around 4:00, something like</p>	<p>1 A. Yeah. The company is responsible for</p> <p>2 paying them.</p> <p>3 Q. There's a company that's responsible?</p> <p>4 A. Yes.</p> <p>5 Q. So do you pay them to manage the food</p> <p>6 truck for you?</p> <p>7 A. Right.</p> <p>8 Q. Okay. And how much -- so you give him</p> <p>9 \$1,000 a week?</p> <p>10 A. Or them.</p> <p>11 Q. Them?</p> <p>12 A. Yes.</p> <p>13 Q. And then they deal with payroll for other</p> <p>14 employees and all of that?</p> <p>15 A. No, we got an accountant that deals with</p> <p>16 payroll and all that.</p> <p>17 Q. Okay. So I guess how much are you</p> <p>18 spending on that company per week for like running</p> <p>19 it, accountant, whoever the employees are. How much</p> <p>20 is that per week?</p> <p>21 MR. BALLENGER: I'm going to object at</p>

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<p>1 this time. Where is the relevance.</p> <p>2 A. Right.</p> <p>3 MR. BALLENGER: You're asking about the</p> <p>4 details of the business that --</p> <p>5 MS. GOO: We're just trying to</p> <p>6 understand -- we're just trying to understand</p> <p>7 damages and what his earning is at this point</p> <p>8 in time.</p> <p>9 MR. BALLENGER: I understand that. But</p> <p>10 asking him the details about how -- details of</p> <p>11 the business being run doesn't get you there.</p> <p>12 MS. GOO: I'm just trying to understand</p> <p>13 how the business is run --</p> <p>14 MR. BALLENGER: I'm going to let you go a</p> <p>15 little bit longer but that's getting a little</p> <p>16 bit in the weeds. Go ahead, answer to the best</p> <p>17 you can.</p> <p>18 Q. So just on a monthly basis how much money</p> <p>19 are you spending on the food truck business. I</p> <p>20 think that's the best way I can ask that question.</p> <p>21 A. I don't know. I got to look at my books.</p>	<p>1 idea. Do you work with other companies with</p> <p>2 embroidering?</p> <p>3 A. No. I mean --</p> <p>4 Q. How does it work?</p> <p>5 A. What do you mean work with other</p> <p>6 companies? Like we can do something, like if say</p> <p>7 you had a -- you started a company and you needed</p> <p>8 shirts made with names or something like that,</p> <p>9 we can do that for you.</p> <p>10 Q. So people will come to you and say we need</p> <p>11 X, Y, Z things embroidered; is that right?</p> <p>12 A. Yes, yes.</p> <p>13 Q. How much do you get paid on a monthly</p> <p>14 basis from that company?</p> <p>15 A. That's up and down. I don't -- I would</p> <p>16 have to check my books.</p> <p>17 Q. Okay. What is the name of that company?</p> <p>18 A. Divine Minds, LLC.</p> <p>19 Q. Divine Minds, LLC?</p> <p>20 A. Yes.</p> <p>21 Q. Do you have any idea of what you grossed</p>
Page 39	Page 41
<p>1 Q. You don't know?</p> <p>2 A. No.</p> <p>3 Q. Okay. What is the name of the company?</p> <p>4 A. Shareef's.</p> <p>5 Q. And the last question I have related to</p> <p>6 this is that this -- do you own a franchise as a</p> <p>7 part of Shareef's or Shareef's your company?</p> <p>8 A. No, I own 50 percent of the actual</p> <p>9 business of the truck.</p> <p>10 Q. Okay. Now, you mentioned that you also</p> <p>11 run a clothing company?</p> <p>12 A. I do.</p> <p>13 Q. And could you just talk to us briefly</p> <p>14 about what your involvement is with the clothing</p> <p>15 company?</p> <p>16 A. Well, me and my cousin, we founded a</p> <p>17 clothing brand name and we embroider, we do</p> <p>18 embroidery.</p> <p>19 Q. You do embroidery?</p> <p>20 A. Yes.</p> <p>21 Q. So, again, I'm just trying to get some</p>	<p>1 last year?</p> <p>2 A. No.</p> <p>3 Q. This year to date?</p> <p>4 A. I would have to check my books.</p> <p>5 Q. And all of the -- actually, strike that.</p> <p>6 So when you report your taxes, are you reporting</p> <p>7 1099's, K-1's. How are you reporting this. I'm</p> <p>8 just trying to figure out how you're paid between</p> <p>9 your two businesses?</p> <p>10 A. Well, my cousin and my other partner, they</p> <p>11 take care of taxes and all that. But I file -- I</p> <p>12 don't -- I don't know the exact what you -- that</p> <p>13 1019 or that what you are talking about, I just know</p> <p>14 that when I get my forms I get them dealt with</p> <p>15 through the people who do -- people to do my taxes,</p> <p>16 that's that.</p> <p>17 Q. Do you get paid on a monthly basis, weekly</p> <p>18 basis, quarterly?</p> <p>19 A. Depends. I mean, you know, money go</p> <p>20 directly into an account. You know, I may take it</p> <p>21 out monthly, it's up to me.</p>

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<p>1 Q. And do you know how much money you made</p> <p>2 last year?</p> <p>3 A. No. I have to look at my books.</p> <p>4 Q. And are you in a relationship now?</p> <p>5 A. No.</p> <p>6 Q. The next set of questions are going to be</p> <p>7 related to your mental and physical health. Again,</p> <p>8 because of some of the claims that you've made in</p> <p>9 this case, I'm asking these questions just to assess</p> <p>10 like your current mental and physical health. For</p> <p>11 that purpose, and I'm saying that right now because</p> <p>12 I'm asking these questions not to embarrass you in</p> <p>13 any way but just because it's relevant to your</p> <p>14 claims. So the first set of questions have to do</p> <p>15 with your mental health. Have you ever had, in your</p> <p>16 entire life, have you ever had any type of</p> <p>17 psychological or psychiatric testing?</p> <p>18 A. Yes.</p> <p>19 Q. And when was that for. Or when was that?</p> <p>20 A. They do it when you're in prison. And I</p> <p>21 had it done when I was home.</p>	<p>1 Q. You don't recall if it was like an</p> <p>2 as-needed thing or if it was just --</p> <p>3 A. Like I know they do it when you first come</p> <p>4 in. And then, you know, any time after that you</p> <p>5 have to request it or something like that.</p> <p>6 Q. So you know that you received it at least</p> <p>7 once when --</p> <p>8 A. At least.</p> <p>9 Q. When you were first admitted?</p> <p>10 A. At least.</p> <p>11 Q. And were you ever diagnosed with any type</p> <p>12 of psychiatric or psychological disorder?</p> <p>13 A. Yes.</p> <p>14 Q. And what was that for?</p> <p>15 A. PTSD. ADHD.</p> <p>16 Q. Anything else?</p> <p>17 A. No.</p> <p>18 Q. For the PTSD, do you recall what year it</p> <p>19 was that you received that diagnosis?</p> <p>20 A. Approximately like three years ago.</p> <p>21 Maybe. When I first came home, yeah.</p>
Page 43	Page 45
<p>1 Q. When you were at home?</p> <p>2 A. When I first came home, yeah.</p> <p>3 Q. Prior to your time at the DOC from 2001</p> <p>4 until you got out in, I believe it was about 2020,</p> <p>5 prior to that, did you go to any type of</p> <p>6 psychological or psychiatric testing?</p> <p>7 A. Prior to prison?</p> <p>8 Q. Yes.</p> <p>9 A. I can't recall.</p> <p>10 Q. Okay. And you said in the Department of</p> <p>11 Corrections you would receive testing on some type</p> <p>12 of routine basis. How often did that occur?</p> <p>13 MR. BALLENGER: I object. I'm not sure he</p> <p>14 used that term.</p> <p>15 A. I did not say that.</p> <p>16 Q. Okay. What was it you said in terms of</p> <p>17 how often you received psychiatric testing?</p> <p>18 A. I didn't say. I said I received</p> <p>19 psychiatric testing.</p> <p>20 Q. How often did you receive it?</p> <p>21 A. I don't recall.</p>	<p>1 Q. Was that a diagnosis that you received</p> <p>2 after you had left the DOC?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And as a result of that diagnosis,</p> <p>5 did you receive any treatment from either a</p> <p>6 psychologist or psychiatrist?</p> <p>7 A. Yes.</p> <p>8 Q. And who was the psychologist or</p> <p>9 psychiatrist that treated you?</p> <p>10 A. I know his last name is Fabian. I can't</p> <p>11 recall his first name.</p> <p>12 Q. Do you recall if he was a psychologist or</p> <p>13 psychiatrist?</p> <p>14 A. Psychologist.</p> <p>15 Q. Did you receive any type of medication as</p> <p>16 a result of the treatment?</p> <p>17 A. I refused the medications. I mean it</p> <p>18 wasn't no medication prescribed for PTSD. I mean...</p> <p>19 Q. Was it Stephen Fabius.</p> <p>20 A. Stephen Fabius, yes.</p> <p>21 Q. You mentioned that you refused some type</p>

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<p>1 of medication?</p> <p>2 A. I didn't mean to say that. I meant to say</p> <p>3 I don't recall even medication being recommended for</p> <p>4 my PTSD.</p> <p>5 Q. For the ADHD, when did you receive that</p> <p>6 diagnosis?</p> <p>7 A. I received that young.</p> <p>8 Q. Young?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So was that a diagnosis where you</p> <p>11 received before going into the DOC in 2001?</p> <p>12 A. Yes.</p> <p>13 Q. Were you -- did you receive any treatment</p> <p>14 for the ADHD?</p> <p>15 A. No.</p> <p>16 Q. Were you prescribed medication or told to</p> <p>17 take medication as a result of that diagnosis?</p> <p>18 A. I don't recall was I -- I don't recall</p> <p>19 whether or not medication was recommended, but I</p> <p>20 don't -- my mother didn't allow me to take no</p> <p>21 medication.</p>	<p>1 I know that he diagnosed me with PTSD.</p> <p>2 Q. Okay. Did you receive any -- did he</p> <p>3 prescribe for you any medication related to ADHD?</p> <p>4 A. No. No. Yes, he did. Vyvanse, now I can</p> <p>5 recall. Yes.</p> <p>6 MR. BALLENGER: Sorry, what was that?</p> <p>7 A. Vyvanse, a focus -- supposedly keep you</p> <p>8 focused.</p> <p>9 Q. Are you taking that medication?</p> <p>10 A. No.</p> <p>11 Q. Had you ever taken it?</p> <p>12 A. Yes.</p> <p>13 Q. And how long did you take that for?</p> <p>14 A. Not too long. I didn't like the side</p> <p>15 effects.</p> <p>16 Q. So other than the PTSD and ADHD, have you</p> <p>17 been diagnosed with any other type of psychological</p> <p>18 or psychiatric disorder?</p> <p>19 A. No.</p> <p>20 Q. And to the best of your knowledge is</p> <p>21 Stephen Fabius the only person you've seen since</p>
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<p>1 Q. So you didn't take any medication if it</p> <p>2 was prescribed to you for the ADHD?</p> <p>3 A. Right.</p> <p>4 Q. And since that period of time did you</p> <p>5 ever -- were you ever again subsequently diagnosed</p> <p>6 with ADHD?</p> <p>7 A. What you mean subsequently?</p> <p>8 Q. So when you were diagnosed with PTSD and a</p> <p>9 psychiatrist visited with you, I guess Doctor</p> <p>10 Fabius --</p> <p>11 MR. BALLENGER: I think he said a</p> <p>12 psychologist.</p> <p>13 Q. Sorry, psychologist. When you were</p> <p>14 diagnosed with that after you got into the DOC, did</p> <p>15 the ADHD come back -- come up again?</p> <p>16 A. I brought it up.</p> <p>17 Q. You brought it up?</p> <p>18 A. Correct.</p> <p>19 Q. Did he diagnose it with you in the 2020 to</p> <p>20 2025 period of time?</p> <p>21 A. I don't recall if he re-diagnosed me, but</p>	<p>1 leaving DOC that's a mental health professional?</p> <p>2 A. Yes.</p> <p>3 Q. And have you been to a -- like a primary</p> <p>4 care provider since you have left the Department of</p> <p>5 Corrections?</p> <p>6 A. Yes.</p> <p>7 Q. Have you been diagnosed with any physical</p> <p>8 conditions, ailments, that type of thing since</p> <p>9 leaving DOC?</p> <p>10 A. Physical ailments. Briefly high blood</p> <p>11 pressure, but then I got that in order.</p> <p>12 Q. How did you get that in order?</p> <p>13 A. According to them, my high blood pressure</p> <p>14 was self-induced.</p> <p>15 Q. Did you -- how did you treat it?</p> <p>16 A. I started not stressing, staying calm.</p> <p>17 Q. Did you take any medication for it?</p> <p>18 A. Initially. But then they said the</p> <p>19 medication was -- I didn't need it basically.</p> <p>20 That's how they came up with the diagnosis that I</p> <p>21 was self, that I used to raise my own blood</p>

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<p>1 pressure.</p> <p>2 Q. Are you currently being treated for</p> <p>3 anything?</p> <p>4 A. No.</p> <p>5 Q. Mr. Thomas, do you have any criminal</p> <p>6 convictions?</p> <p>7 A. No.</p> <p>8 Q. At the time of your trial in two --</p> <p>9 December of 2001, did you have convictions at that</p> <p>10 point?</p> <p>11 A. At that point.</p> <p>12 Q. Okay. And what were those convictions</p> <p>13 for?</p> <p>14 A. CDS.</p> <p>15 Q. Felony CDS?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And that was for possession with</p> <p>18 intent to distribute?</p> <p>19 A. Yes.</p> <p>20 Q. And do you recall when you were arrested</p> <p>21 for those events -- those offenses that led to those</p>	<p>1 Q. You have to keep your voice up, sir?</p> <p>2 A. Perkins Projects.</p> <p>3 Q. And were you arrested in the same place or</p> <p>4 a different place within Perkins Projects?</p> <p>5 A. Different place.</p> <p>6 Q. Okay. You don't recall what block it was?</p> <p>7 A. No.</p> <p>8 Q. At the period of time in which you were</p> <p>9 arrested for those two drug offenses, where were you</p> <p>10 living?</p> <p>11 A. Don't remember.</p> <p>12 Q. You don't remember where you were living</p> <p>13 at the time?</p> <p>14 A. I'm thinking one of two places but I don't</p> <p>15 recall which place at the top of my head.</p> <p>16 Q. Okay. So were you born in Baltimore?</p> <p>17 A. Yes.</p> <p>18 Q. And what was your first residence within</p> <p>19 Baltimore?</p> <p>20 A. You mean when I was born?</p> <p>21 Q. When you were born.</p>
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<p>1 convictions at that point in time?</p> <p>2 A. Don't recall.</p> <p>3 MR. BALLENGER: Just real quick. I'm</p> <p>4 going to step out. Booth will take over.</p> <p>5 MS. GOO: Okay.</p> <p>6 Q. Do you recall being arrested by the police</p> <p>7 for those drug convictions?</p> <p>8 A. Yes.</p> <p>9 Q. Do you recall where you were arrested for</p> <p>10 the first one?</p> <p>11 A. Yes.</p> <p>12 Q. Where was it?</p> <p>13 A. In Perkins Projects.</p> <p>14 Q. Do you remember where specifically in</p> <p>15 Perkins?</p> <p>16 A. No.</p> <p>17 Q. And for the second conviction, do you</p> <p>18 recall where you were arrested?</p> <p>19 A. Yes.</p> <p>20 Q. And where was that?</p> <p>21 A. Perkins Projects.</p>	<p>1 A. I don't know.</p> <p>2 Q. You don't remember your childhood home?</p> <p>3 A. No.</p> <p>4 Q. What's the first residence that you can</p> <p>5 recall that you lived in?</p> <p>6 A. I know it was in South Baltimore. I don't</p> <p>7 recall the street. Then my mother -- at my youngest</p> <p>8 age that I can recall. I don't -- she moved a lot.</p> <p>9 Q. So you first were in South Baltimore?</p> <p>10 A. At my earliest childhood --</p> <p>11 Q. At your earliest?</p> <p>12 A. Childhood memory, yeah.</p> <p>13 Q. And where after that?</p> <p>14 A. East Baltimore mostly.</p> <p>15 Q. Okay. So what's the first East Baltimore</p> <p>16 address that you can remember?</p> <p>17 A. North Avenue.</p> <p>18 Q. Where along North Avenue, east side or</p> <p>19 west side?</p> <p>20 A. All east side I'm talking about right now.</p> <p>21 Q. Do you recall what the cross street was</p>

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<p>1 and North Avenue?</p> <p>2 A. Collington.</p> <p>3 Q. Collington?</p> <p>4 A. Yes.</p> <p>5 Q. And how long did you live at that North</p> <p>6 and Collington address?</p> <p>7 A. Maybe six years, something like that.</p> <p>8 Q. Do you recall what level of school you</p> <p>9 were in when you were living there?</p> <p>10 A. From middle to my first year of high</p> <p>11 school.</p> <p>12 Q. Okay. So after your first year of high</p> <p>13 school where did you live?</p> <p>14 A. Lakewood.</p> <p>15 Q. Okay. And do you recall what block that</p> <p>16 was?</p> <p>17 A. 400 block.</p> <p>18 Q. Okay. And how long did you -- sorry, is</p> <p>19 that north or south?</p> <p>20 A. North.</p> <p>21 Q. And how long did you live at that address</p>	<p>1 A. I'm sure I walked through there before or</p> <p>2 drove through there.</p> <p>3 Q. Did you ever have friends and associates</p> <p>4 that lived anywhere near there?</p> <p>5 A. No.</p> <p>6 Q. So you recall living in the 400 block of</p> <p>7 North Lakewood Street, and that was -- sorry, I just</p> <p>8 want to make sure I understand this. That was your</p> <p>9 first -- around your first year of high school or</p> <p>10 did you leave around then?</p> <p>11 A. No, I was still going to high school when</p> <p>12 I first moved there.</p> <p>13 Q. And then you lived there for a couple of</p> <p>14 years after that?</p> <p>15 A. Right.</p> <p>16 Q. Okay. So would it be fair to say that you</p> <p>17 were in your teen years when you were living at 400</p> <p>18 North Lakewood?</p> <p>19 A. Yes.</p> <p>20 Q. So at that point in time after you left</p> <p>21 high school, what if anything did you do for work?</p>
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<p>1 for?</p> <p>2 A. Can't recall. It was some years.</p> <p>3 Q. Okay. Did you graduate from high school?</p> <p>4 A. No.</p> <p>5 Q. What year did you leave?</p> <p>6 A. I don't recall what year I left. I recall</p> <p>7 what grade I left.</p> <p>8 Q. What grade did you leave?</p> <p>9 A. Ninth. Ninth.</p> <p>10 Q. Okay. So 400 North Lakewood, is that --</p> <p>11 that's above Fayette Street?</p> <p>12 A. Yes.</p> <p>13 Q. Below Orleans?</p> <p>14 A. No.</p> <p>15 Q. Is it right at Orleans?</p> <p>16 A. In between Orleans and Jefferson.</p> <p>17 Q. Okay. And are you familiar with the area</p> <p>18 around the 100 north block of Clover Street?</p> <p>19 A. What you mean familiar?</p> <p>20 Q. Like had you been in that area before, had</p> <p>21 you walked through there?</p>	<p>1 A. I used to -- I used to -- there was this</p> <p>2 guy who used to evict people and I used to work with</p> <p>3 him sometimes when he had the space for me.</p> <p>4 Q. When he had the space for you?</p> <p>5 A. Yeah, because he used to let us kids help</p> <p>6 him evict people.</p> <p>7 Q. So what would you actually do to help him</p> <p>8 out?</p> <p>9 A. Put the stuff out.</p> <p>10 Q. Go into the house, take the stuff out?</p> <p>11 A. Yeah, take the stuff out.</p> <p>12 Q. How much would he pay you?</p> <p>13 A. I don't recall. I remember it being</p> <p>14 decent.</p> <p>15 Q. So this was back in the 90's?</p> <p>16 A. Yes.</p> <p>17 Q. What was decent, like 20 bucks, 50 bucks?</p> <p>18 A. Maybe like 50.</p> <p>19 Q. Per house, per day?</p> <p>20 A. Yeah, like if we -- during that day of</p> <p>21 work, yeah, at the end of the day he would give me</p>

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<p>1 50 bucks, something like that.</p> <p>2 Q. So you could have done a couple houses in</p> <p>3 a day and then he'd give you 50 bucks at the end of</p> <p>4 the day?</p> <p>5 A. Probably no more than two.</p> <p>6 Q. And do you recall how many evictions you</p> <p>7 helped him with?</p> <p>8 A. I don't recall. A lot.</p> <p>9 Q. Did he come to you consistently or was it</p> <p>10 just kind of like an as-needed he would call you up?</p> <p>11 A. No, he -- I mean it wasn't that he came to</p> <p>12 me. I went to him early in the morning. If I was</p> <p>13 there early in the morning and -- yeah.</p> <p>14 Q. So if you were there early in the morning</p> <p>15 where?</p> <p>16 A. He lived on -- so that's the 500 block.</p> <p>17 Q. The 500 block of what?</p> <p>18 A. Lakewood.</p> <p>19 Q. So you would go to him and ask if he had</p> <p>20 any work for you that day?</p> <p>21 A. Yeah.</p>	<p>1 Q. Where did you sell?</p> <p>2 A. Perkins Projects.</p> <p>3 Q. Where?</p> <p>4 A. In different courts.</p> <p>5 Q. Which courts?</p> <p>6 A. Heron, Dallas.</p> <p>7 Q. Heron, Dallas, any others?</p> <p>8 A. No.</p> <p>9 Q. How much did you make on a weekly basis?</p> <p>10 A. I don't recall.</p> <p>11 Q. Did you sell during the night time or</p> <p>12 daytime or was it -- did it vary?</p> <p>13 A. It varied.</p> <p>14 Q. Did you have a shop set up or did people</p> <p>15 call up and ask for you to sell to them at requested</p> <p>16 specific times?</p> <p>17 A. I stood there and they came to me.</p> <p>18 Q. And in February of 2001 were you on</p> <p>19 probation?</p> <p>20 A. February 2001. Yes.</p> <p>21 Q. And were you using drugs at this period of</p>
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<p>1 Q. Approximately how many times did you do</p> <p>2 this work for him?</p> <p>3 A. About -- he -- Monday through Friday. It</p> <p>4 was -- he didn't do it on weekends.</p> <p>5 Q. Did you do this for a couple weeks, couple</p> <p>6 months?</p> <p>7 A. Maybe -- maybe around a year. Maybe.</p> <p>8 Q. And how -- how did you get paid?</p> <p>9 A. Cash.</p> <p>10 Q. Cash. Now, back in February of 2001, what</p> <p>11 was your -- what was the normal day for you back</p> <p>12 then?</p> <p>13 MR. BALLENGER: Sorry, what time?</p> <p>14 Q. February of 2001.</p> <p>15 A. Hanging out with my friends.</p> <p>16 Q. Were you working then?</p> <p>17 A. No.</p> <p>18 Q. What did you do for money?</p> <p>19 A. Sold drugs.</p> <p>20 Q. What kind of drugs were you selling?</p> <p>21 A. Cocaine.</p>	<p>1 time as well?</p> <p>2 A. No.</p> <p>3 Q. Okay. So you were not using cocaine?</p> <p>4 A. No.</p> <p>5 Q. Okay. No marijuana?</p> <p>6 A. No.</p> <p>7 Q. Drinking alcohol?</p> <p>8 A. Sometimes.</p> <p>9 Q. Okay. I'm going to go through a list of</p> <p>10 different people and then I'm going to ask you a</p> <p>11 series of questions depending on whether or not you</p> <p>12 know who the person is. So the first person is</p> <p>13 Octavia Barnes. Do you know this person?</p> <p>14 A. Yes.</p> <p>15 Q. And how do you know Ms. Barnes?</p> <p>16 A. That's my daughter's mother.</p> <p>17 Q. Does Ms. Barnes have any nick names?</p> <p>18 A. Tay.</p> <p>19 Q. Tay?</p> <p>20 MR. BALLENGER: Can you spell that?</p> <p>21 A. T-A-Y. Octavia. Tay is for short.</p>

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<p>1 Q. And so back in 2001 had your daughter been 2 born at that point?</p> <p>3 A. At what point?</p> <p>4 Q. Sorry, in 2001.</p> <p>5 A. At what point?</p> <p>6 Q. In February of 2001.</p> <p>7 A. No.</p> <p>8 Q. Okay. What was your relationship with Ms. 9 Barnes back in February of 2001?</p> <p>10 A. That was my girlfriend.</p> <p>11 Q. Did you speak with Ms. Barnes while you 12 were in the DOC?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And how did the two of you 15 communicate?</p> <p>16 A. Letters mostly. Sometimes phone calls.</p> <p>17 Q. And I assume -- I'm not going to assume. 18 Did the two of you speak regularly?</p> <p>19 A. Pretty regular.</p> <p>20 Q. Alease Turner, do you know this person?</p> <p>21 A. No.</p>	<p>1 Q. Have you ever spoken to Ms. Turner?</p> <p>2 A. No.</p> <p>3 Q. Have you seen her before?</p> <p>4 A. No.</p> <p>5 Q. Okay. So you've had no communications 6 with her whatsoever?</p> <p>7 A. No.</p> <p>8 Q. Dewey Morgan. We had some conversation 9 about Mr. Morgan at the beginning of the deposition. 10 Do you recall that?</p> <p>11 A. Yes.</p> <p>12 Q. And you said that you had some information 13 about what Dewey Morgan had observed. And I think 14 you said that he had actually observed the shooting. 15 Is that correct?</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. How did you learn about that?</p> <p>18 A. In 2011 or ten I believe I took the 19 Baltimore Police Department to court for Maryland 20 Public Information Act and they actually gave me 21 that information.</p>
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<p>1 Q. Have you heard of Alease Turner's name 2 before?</p> <p>3 A. Yes.</p> <p>4 Q. And how do you know of Alease Turner?</p> <p>5 A. From the case.</p> <p>6 Q. Okay. And tell me what you know about 7 Alease Turner?</p> <p>8 A. Nothing.</p> <p>9 Q. You know nothing about Alease Turner. 10 What does Alease Turner know about your case that 11 you know of?</p> <p>12 A. If I can recall, I think she -- I believe 13 that she said that she talked to the shooter that 14 night, alleged shooter that night.</p> <p>15 Q. And how did you learn this information 16 about Alease Turner having that information?</p> <p>17 A. From a report.</p> <p>18 Q. What kind of report?</p> <p>19 A. Discovery report, I believe.</p> <p>20 Q. Was it a police report?</p> <p>21 A. Yes, police report.</p>	<p>1 Q. Who gave that information?</p> <p>2 A. The Baltimore Police Department.</p> <p>3 Q. They gave you the information about Dewey 4 Morgan?</p> <p>5 A. Yes.</p> <p>6 Q. How did they give that information to you?</p> <p>7 A. The judge made them give me my full 8 discovery packet.</p> <p>9 Q. So was that a -- something that was 10 contained within the information that was turned 11 over as a result of the MPIA --</p> <p>12 A. Yes.</p> <p>13 Q. -- request?</p> <p>14 A. Yes.</p> <p>15 Q. Have you ever spoken to Dewey Morgan?</p> <p>16 A. I mean he was -- he came to court and 17 that's the first time I ever seen him.</p> <p>18 Q. And have you ever attempted to communicate 19 with him at all?</p> <p>20 A. No.</p> <p>21 Q. Okay. Have you ever had anybody on your</p>

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<p>1 behalf try and reach out to him?</p> <p>2 A. Investigators.</p> <p>3 Q. Investigators?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. For what purpose?</p> <p>6 A. For court purpose.</p> <p>7 Q. Which court?</p> <p>8 A. So that's 2010. Motion for new trial.</p> <p>9 Q. So when you say the motion for a new</p> <p>10 trial, what did you mean. What did you need from</p> <p>11 him for the motion for the new trial?</p> <p>12 A. His testimony.</p> <p>13 Q. And who were the investigators at that</p> <p>14 point?</p> <p>15 A. I don't remember his name. I know that</p> <p>16 Andy Alperstein said he was pretty good though,</p> <p>17 because he did find him.</p> <p>18 Q. So it was an investigator that</p> <p>19 Mr. Alperstein had?</p> <p>20 A. Yes.</p> <p>21 Q. Nina Wilson, do you know her?</p>	<p>1 out to Ms. Wilson?</p> <p>2 A. I didn't ask him to do nothing. Andy did.</p> <p>3 Q. And you've never communicated with -- have</p> <p>4 you ever communicated with Ms. Wilson?</p> <p>5 A. Never.</p> <p>6 Q. Anthony Wilson, do you know this person?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And who is he?</p> <p>9 A. A private investigator.</p> <p>10 Q. Does he go by any nick names or business</p> <p>11 names?</p> <p>12 A. Huh?</p> <p>13 Q. How do you refer to him, is it Anthony</p> <p>14 Wilson, Mr. Wilson, or do you call him something</p> <p>15 different?</p> <p>16 A. He has a nick name, Wolfe.</p> <p>17 Q. When did you -- who hired him?</p> <p>18 A. I hired him.</p> <p>19 Q. Okay. And when did you hire him, if you</p> <p>20 can recall?</p> <p>21 A. I don't recall.</p>
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<p>1 A. No.</p> <p>2 Q. Are you familiar with who Nina Wilson is?</p> <p>3 A. Yes.</p> <p>4 Q. And what do you know about Nina Wilson as</p> <p>5 it relates to this specific case?</p> <p>6 A. That she was another person who allegedly</p> <p>7 talked to the shooter that night.</p> <p>8 Q. Okay. And have you ever communicated with</p> <p>9 Ms. Wilson?</p> <p>10 A. Never.</p> <p>11 Q. Have you had anyone on your behalf reach</p> <p>12 out to Ms. Wilson?</p> <p>13 A. Yes.</p> <p>14 Q. And who was that?</p> <p>15 A. Investigator.</p> <p>16 Q. Okay. And which investigator was that?</p> <p>17 A. Same investigator.</p> <p>18 Q. Okay. So that's the same one from Andy</p> <p>19 Alperstein?</p> <p>20 A. Yeah.</p> <p>21 Q. And why did you ask that person to reach</p>	<p>1 Q. Was it, if you know, before or after the</p> <p>2 private investigator for Andy Alperstein helped with</p> <p>3 your case?</p> <p>4 A. After.</p> <p>5 Q. And why did you hire Mr. Wilson?</p> <p>6 A. How many people did I get him to talk to?</p> <p>7 I hired him to talk to -- to find again Dewey Morgan</p> <p>8 and to try to find Myron Brockington.</p> <p>9 Q. Any -- so Dewey Morgan, Myron Brockington,</p> <p>10 anyone else?</p> <p>11 A. No, that was it.</p> <p>12 Q. Okay. Why was it important for you for</p> <p>13 him to find Dewey Morgan?</p> <p>14 A. For court purposes.</p> <p>15 Q. What court?</p> <p>16 A. I believe I was going to use that for my</p> <p>17 actual innocence petition.</p> <p>18 Q. And why was it important for him to find</p> <p>19 Myron Brockington?</p> <p>20 A. For the same reason, I mean I believe</p> <p>21 that -- that after all these years, he might have</p>

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<p>1 been helpful.</p> <p>2 Q. Why did you believe that?</p> <p>3 A. I had to believe it. That's all I had.</p> <p>4 Q. Why?</p> <p>5 A. I mean because -- I know I didn't do it,</p> <p>6 so who -- I shot my shot.</p> <p>7 Q. So was there any reason -- did you have</p> <p>8 any particular reason that you wanted to have</p> <p>9 Mr. Brockington approached that you thought that</p> <p>10 somehow something was going to be different?</p> <p>11 A. I don't understand the question.</p> <p>12 Q. Sure. Did you learn anything about</p> <p>13 Mr. Brockington while you were in jail that made you</p> <p>14 think that he might say something different?</p> <p>15 A. I did actually. I heard that he</p> <p>16 supposedly seen the person that shot him.</p> <p>17 Q. So you had heard that?</p> <p>18 A. Yeah, I heard it.</p> <p>19 Q. Okay. Because up to I guess the point in</p> <p>20 which Mr. Brockington eventually does come in, he</p> <p>21 had testified twice against you, right?</p>	<p>1 back in 2001?</p> <p>2 A. Somebody that lived on my block. Hung</p> <p>3 with my brother.</p> <p>4 Q. And that was Mr. Blake Thomas?</p> <p>5 A. Yes.</p> <p>6 Q. Did your brother and Mr. Lyle know each</p> <p>7 other, were they close friends?</p> <p>8 A. They were friendly enough. They used to</p> <p>9 be with each other.</p> <p>10 Q. Repeat that.</p> <p>11 A. They were friendly enough. I used to see</p> <p>12 them with each other sometimes.</p> <p>13 Q. While you were in -- actually, so other</p> <p>14 than your relationship, other than knowing him</p> <p>15 through your brother, did you ever -- did you have</p> <p>16 any relationship with Mr. Lyle. Like were the two</p> <p>17 of you friends, did you ever serve him drugs?</p> <p>18 A. No.</p> <p>19 Q. When was -- did you ever speak with</p> <p>20 Mr. Lyle while you were in jail?</p> <p>21 A. No.</p>
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<p>1 A. Twice?</p> <p>2 Q. Yes. Do you recall that there was a</p> <p>3 motion to suppress a photographic array in which he</p> <p>4 testified?</p> <p>5 A. No.</p> <p>6 Q. In your case. You don't remember that?</p> <p>7 A. No, I don't.</p> <p>8 Q. But you recall at your trial itself he did</p> <p>9 testify against you?</p> <p>10 A. Yes, he did.</p> <p>11 Q. Okay. Donte Lyle. Do you know this</p> <p>12 person?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And how do you know Donte Lyle?</p> <p>15 A. He lived on my block on Lakewood.</p> <p>16 Q. Do you remember if he went by any nick</p> <p>17 names?</p> <p>18 A. Yes.</p> <p>19 Q. What was that?</p> <p>20 A. Junky Veins.</p> <p>21 Q. What was your relationship with Mr. Lyle</p>	<p>1 Q. And what was the last time that you spoke</p> <p>2 with Mr. Lyle?</p> <p>3 A. When we were sitting next to each other at</p> <p>4 the trial table.</p> <p>5 Q. So that was back in 2001?</p> <p>6 A. Yes.</p> <p>7 Q. And Mr. Lyle has since passed?</p> <p>8 A. Yes.</p> <p>9 Q. And how did you learn about his death?</p> <p>10 A. I don't recall.</p> <p>11 Q. Were you in jail at the time?</p> <p>12 A. Yes.</p> <p>13 Q. The next name on the list is Blake Thomas.</p> <p>14 So you already said that he is your brother?</p> <p>15 A. Yes.</p> <p>16 Q. How often do the two of you talk</p> <p>17 currently?</p> <p>18 A. I don't know, I visit him a lot.</p> <p>19 Q. Where is he now?</p> <p>20 A. Patuxent.</p> <p>21 Q. For what?</p>

Page 74	Page 76
<p>1 A. Murder.</p> <p>2 Q. And do you know what year he went away?</p> <p>3 A. I don't. Maybe -- I know it was before</p> <p>4 me. Before I got incarcerated.</p> <p>5 Q. So sometime in the 90's?</p> <p>6 A. It wasn't that long, but it was around the</p> <p>7 same time.</p> <p>8 Q. And was your brother, Blake Thomas, did he</p> <p>9 know Namey at all?</p> <p>10 A. Yeah. I'm sure that anybody who was</p> <p>11 around the projects knew of him.</p> <p>12 Q. Knew of who?</p> <p>13 A. Some type of way. Namey.</p> <p>14 Q. Why would they know of Namey?</p> <p>15 A. Because he was around there.</p> <p>16 Q. So, you know, Perkins Projects, there is a</p> <p>17 lot of apartments, buildings. A lot of people.</p> <p>18 A. There is no buildings --</p> <p>19 Q. I mean there is a lot of people in a small</p> <p>20 area, is that fair to say?</p> <p>21 A. It depends on what you consider large. I</p>	<p>1 amount of people that are hanging on the corners,</p> <p>2 what are they doing on the corners?</p> <p>3 A. Whatever they do.</p> <p>4 Q. What does that mean?</p> <p>5 A. I don't know.</p> <p>6 Q. So you don't know what type of activities</p> <p>7 they are partaking in, they are just hanging out on</p> <p>8 the corners?</p> <p>9 A. They are doing something I'm sure.</p> <p>10 Q. What's the something that they could be</p> <p>11 doing?</p> <p>12 A. I don't know.</p> <p>13 Q. You don't know?</p> <p>14 A. Whatever they do.</p> <p>15 Q. Tyreke Ellis. You stated that he is a</p> <p>16 cousins of yours?</p> <p>17 A. Yes.</p> <p>18 Q. How are the two of you related?</p> <p>19 A. Through marriage.</p> <p>20 Q. So is he a cousin through marriage?</p> <p>21 A. Yes.</p>
Page 75	Page 77
<p>1 don't consider Perkins large.</p> <p>2 Q. Okay. Approximately how many people do</p> <p>3 you think lived in Perkins Projects back in 2001?</p> <p>4 A. I don't know.</p> <p>5 Q. Like a couple hundred?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay. So there is a couple hundred people</p> <p>8 that were living in Perkins Projects at that time?</p> <p>9 A. Right.</p> <p>10 Q. And Namey is one of a couple hundred</p> <p>11 people that lived in Perkins Projects, correct?</p> <p>12 A. True.</p> <p>13 Q. So why would anybody -- why would people</p> <p>14 know who Namey was?</p> <p>15 A. Everybody don't hang outside, right, on</p> <p>16 corners and things like that. Everybody doesn't do</p> <p>17 that. That's a very small amount of people.</p> <p>18 Q. Okay. So was Namey one of the people that</p> <p>19 was hanging around other corners?</p> <p>20 A. Yes.</p> <p>21 Q. And when you're talking about the small</p>	<p>1 Q. Okay. And who married who for the two of</p> <p>2 you to be related?</p> <p>3 A. His mother and my cousin. Yeah. That's</p> <p>4 my cousin.</p> <p>5 Q. Okay. How often when you were within</p> <p>6 prison did you speak with Tyreke?</p> <p>7 A. Not often.</p> <p>8 Q. Once a month, once a year?</p> <p>9 A. Sometimes it had been like once a year.</p> <p>10 Q. Were there times it was more frequent,</p> <p>11 like once a month or a couple times a month?</p> <p>12 A. It depends. I mean 20 years, I call</p> <p>13 people -- I don't know. I just check up on them</p> <p>14 sometime. Yeah, cause could have been -- he wasn't</p> <p>15 my -- on my normal call list or people that I was</p> <p>16 interested in talking to on a daily basis.</p> <p>17 Q. Okay. Who did you talk to on a daily</p> <p>18 basis?</p> <p>19 A. My girlfriends.</p> <p>20 Q. Who were the girlfriends that you had</p> <p>21 while you were in?</p>

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<p>1 A. Donna. And Dina.</p> <p>2 Q. You said Dana or Dina?</p> <p>3 A. Dina. D-I-N-A.</p> <p>4 Q. Let's start with Donna Tabron?</p> <p>5 A. Tabron.</p> <p>6 Q. Tabron. When -- how did you meet</p> <p>7 Ms. Tabron?</p> <p>8 A. Through a friend.</p> <p>9 Q. And you met her before you went into jail?</p> <p>10 A. No.</p> <p>11 Q. You met her there?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And when did you meet her?</p> <p>14 A. Early 2000's.</p> <p>15 Q. Any nick names for Donna that you used?</p> <p>16 A. No.</p> <p>17 Q. How long were you the two of you together?</p> <p>18 A. About 17 years.</p> <p>19 Q. Do the two of you still communicate now?</p> <p>20 A. No.</p> <p>21 Q. When was the last time you communicated</p>	<p>1 years ago when you last communicated with her, was</p> <p>2 that in 2020, 2021, around that period of time?</p> <p>3 A. Like 2023.</p> <p>4 Q. Okay. So you communicated with her since</p> <p>5 you got out of jail?</p> <p>6 A. Yeah.</p> <p>7 Q. Dina Thomas, when did the two of you start</p> <p>8 dating?</p> <p>9 A. I was about 16, maybe 17.</p> <p>10 Q. And how long did the two of you date for?</p> <p>11 A. I mean she was there the whole time I was</p> <p>12 locked up.</p> <p>13 Q. Okay. And how often did the two of you</p> <p>14 talk while you were in?</p> <p>15 A. It depends on what years it was.</p> <p>16 Q. So what years did you speak with her more</p> <p>17 regularly than the others?</p> <p>18 A. In the earlier years was more frequent</p> <p>19 than the later years. But it was still constant.</p> <p>20 Q. So I would say in the decade leading up to</p> <p>21 you getting out, so the 2010 to 2020 period of time,</p>
Page 79	Page 81
<p>1 with Ms. Tabron?</p> <p>2 A. Few years back.</p> <p>3 Q. And when did she get out?</p> <p>4 A. When did she get out?</p> <p>5 Q. Yes.</p> <p>6 A. Get out --</p> <p>7 MR. BALLENGER: What --</p> <p>8 Q. Did she leave the jail at some point?</p> <p>9 A. She was never locked up.</p> <p>10 Q. I thought you said you met her when you</p> <p>11 were in jail?</p> <p>12 A. I was in jail, she wasn't.</p> <p>13 Q. Then that's -- I should have corrected</p> <p>14 that. She was never in jail with you?</p> <p>15 A. No.</p> <p>16 Q. But you met her somehow while you were in?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And the two of you talked on a</p> <p>19 daily basis?</p> <p>20 A. Pretty much, yes.</p> <p>21 Q. One -- up until what you describe as a few</p>	<p>1 how often were you the two of you talking then?</p> <p>2 A. A lot until about the halfway point.</p> <p>3 Q. And how would the two of you communicate</p> <p>4 while you were in?</p> <p>5 A. Letters and phone. Only two ways you can</p> <p>6 communicate with somebody. Or visits.</p> <p>7 Q. I forgot to ask that question about Ms.</p> <p>8 Tabron. How did the two of you communicate?</p> <p>9 A. Same.</p> <p>10 Q. Angela Campbell, who is this person?</p> <p>11 A. My mother.</p> <p>12 Q. When you were in -- how often did the two</p> <p>13 of you talk?</p> <p>14 A. Often, a couple times a week.</p> <p>15 Q. And do you and your mother still see each</p> <p>16 other on a regular basis?</p> <p>17 A. Yes.</p> <p>18 Q. Lisa Gallaham. Do you know this person?</p> <p>19 A. No.</p> <p>20 Q. Do you know that name, Lisa Gallaham at</p> <p>21 all?</p>

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<p>1 A. No.</p> <p>2 Q. Do you know a Lisa that is a girlfriend or</p> <p>3 a baby momma of Myron Brockington?</p> <p>4 A. How would I know that?</p> <p>5 Q. Do you know this person?</p> <p>6 A. I don't. Never heard of her.</p> <p>7 Q. All right. Myron Brockington, do you know</p> <p>8 this person?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Now, did you know Mr. Brockington</p> <p>11 prior to this specific case. Like so prior to 2001</p> <p>12 did you know Myron Brockington?</p> <p>13 A. No.</p> <p>14 Q. Do you know -- had you heard of him, seen</p> <p>15 him around?</p> <p>16 A. No.</p> <p>17 Q. Do you know if any of your friends,</p> <p>18 associates, ever knew Mr. Brockington?</p> <p>19 A. No.</p> <p>20 Q. Before 2001?</p> <p>21 A. No.</p>	<p>1 A. No.</p> <p>2 MS. GOO: Okay. I think at this point it</p> <p>3 would be appropriate for us to take a five</p> <p>4 minute break.</p> <p>5 MR. BALLENGER: Okay.</p> <p>6 VIDEOGRAPHER: We are going off the</p> <p>7 record. The time is 11:04 a.m.</p> <p>8 (Off the record colloquy.)</p> <p>9 VIDEOGRAPHER: We are back on the record.</p> <p>10 The time is 11:18 a.m. This is media number</p> <p>11 two.</p> <p>12 Q. Mr. Thomas, we were going through a list</p> <p>13 of names and follow-up questions depending on</p> <p>14 whether you know the person. So the next name is do</p> <p>15 you know Charles Floyd who you also stated his nick</p> <p>16 name is Namey. How do you know Mr. Floyd?</p> <p>17 A. From being around the neighborhood.</p> <p>18 Q. Do you know if Mr. Floyd goes by any other</p> <p>19 nick names?</p> <p>20 A. I don't even know him his name.</p> <p>21 Q. Have you heard any other individuals</p>
Page 83	Page 85
<p>1 Q. And since you had your trial, have you</p> <p>2 spoken with Mr. Brockington while you were in jail?</p> <p>3 A. No.</p> <p>4 Q. No?</p> <p>5 A. No.</p> <p>6 Q. And when was -- I'm not sure if the</p> <p>7 question was clear. Did you talk to Myron</p> <p>8 Brockington at all while you were in jail?</p> <p>9 A. No.</p> <p>10 Q. Okay. So you had no communication with</p> <p>11 him in any way?</p> <p>12 A. No.</p> <p>13 Q. And when was the last time that you saw</p> <p>14 Mr. Brockington?</p> <p>15 A. In court.</p> <p>16 Q. And when was that?</p> <p>17 A. 2001.</p> <p>18 Q. Other than Mr. Wilson, the private</p> <p>19 investigator, is there anyone else that you</p> <p>20 instructed or directed to contact Mr. Brockington on</p> <p>21 your behalf?</p>	<p>1 with -- that described him having another nick name?</p> <p>2 A. No.</p> <p>3 Q. Or mentioning any other nick names?</p> <p>4 A. No.</p> <p>5 Q. And you -- have you ever been in the same</p> <p>6 DOC facility as Mr. Floyd?</p> <p>7 A. Never.</p> <p>8 Q. Were the two of you ever in lock-up</p> <p>9 together at Circuit Court for Baltimore City?</p> <p>10 A. No.</p> <p>11 Q. Have you ever -- have you ever seen him in</p> <p>12 person while you were in incarcerated?</p> <p>13 A. No.</p> <p>14 Q. And are you in any way afraid of him or</p> <p>15 fearful of him?</p> <p>16 A. Afraid of him?</p> <p>17 Q. Yes.</p> <p>18 A. No.</p> <p>19 Q. So going back to February of 2001. I had</p> <p>20 a number of questions for you about what a normal</p> <p>21 day for you was back in February of 2001. Do you</p>

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<p>1 recall that line of questions?</p> <p>2 A. Yes.</p> <p>3 Q. And do you have any recollection of what</p> <p>4 you were doing on either February the two -- sorry,</p> <p>5 February 25th, 2001?</p> <p>6 A. Not at all.</p> <p>7 Q. And do you have any recollection about</p> <p>8 what you were doing on February 26, 2001?</p> <p>9 A. No.</p> <p>10 Q. You have to speak up for the record?</p> <p>11 A. No.</p> <p>12 Q. Okay. All right. But at some point you</p> <p>13 were arrested for the shooting of Myron Brockington,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. And could you just describe what</p> <p>17 you recall of that occurring. Your arrest</p> <p>18 specifically?</p> <p>19 A. I was arrested by the Housing Authority</p> <p>20 and taken to one of them police stations.</p> <p>21 Q. Okay. And where were you arrested?</p>	<p>1 Q. Is Vigue the only one that you remember or</p> <p>2 is Vigue the only one that met with you?</p> <p>3 A. He wasn't -- he wasn't the only one that I</p> <p>4 remember, but he was like the guy.</p> <p>5 Q. What do you mean by the guy?</p> <p>6 A. He was the guy doing all the questioning,</p> <p>7 most of the questions. He was the guy who seemed</p> <p>8 like everybody else was following. Yeah.</p> <p>9 Q. Did it seem like he was giving direction</p> <p>10 to the other officers?</p> <p>11 A. Yeah, he definitely seemed like he was</p> <p>12 above them.</p> <p>13 Q. Could you tell who was a police officer</p> <p>14 and who was a detective that you interacted with?</p> <p>15 A. I assume they all was detectives. They</p> <p>16 didn't dress -- they all dressed in other -- they</p> <p>17 didn't have police uniforms.</p> <p>18 Q. Was Vigue dressed in a police uniform?</p> <p>19 A. Never.</p> <p>20 Q. What was he dressed in?</p> <p>21 A. Like -- just regular clothes is some type</p>
Page 87	Page 89
<p>1 A. In -- at my home at the time.</p> <p>2 Q. Where were you living at the time?</p> <p>3 A. Hillman Court.</p> <p>4 Q. Was that 823 Hillman Court?</p> <p>5 A. Yes.</p> <p>6 Q. And were you arrested by just Housing</p> <p>7 Authority or was Baltimore Police Department there</p> <p>8 as well?</p> <p>9 A. Just Housing Authority.</p> <p>10 Q. Did they give you your Miranda warnings?</p> <p>11 A. No.</p> <p>12 Q. Housing Authority never did?</p> <p>13 A. No, they just arrested me.</p> <p>14 Q. And when was the first time you</p> <p>15 encountered somebody from the Baltimore Police</p> <p>16 Department?</p> <p>17 A. When they took me to the station and I</p> <p>18 encountered detectives after that.</p> <p>19 Q. Do you recall which detectives you first</p> <p>20 met with?</p> <p>21 A. Vigue.</p>	<p>1 of way I can recall, but it wasn't like a uniform.</p> <p>2 It was basically some type of something with a badge</p> <p>3 hanging from him type of situation.</p> <p>4 Q. Would it be fair to describe it as him</p> <p>5 wearing plain clothes?</p> <p>6 A. Plain clothes, yeah.</p> <p>7 Q. Not the BP blue that --</p> <p>8 A. Right, exactly.</p> <p>9 Q. Was there anyone else there that was</p> <p>10 dressed like that?</p> <p>11 A. Yes.</p> <p>12 Q. And do you recall the names of those</p> <p>13 persons?</p> <p>14 A. Copeland.</p> <p>15 Q. Anyone else?</p> <p>16 A. Chinese looking guy. I think his name was</p> <p>17 Don Lee. That's what I can recall.</p> <p>18 Q. And who gave you your -- did you</p> <p>19 eventually receive your Miranda warnings?</p> <p>20 A. I don't recall getting no Miranda</p> <p>21 warnings.</p>

<p style="text-align: right;">Page 90</p> <p>1 Q. Now, you mentioned that there were a</p> <p>2 number of questions that you received from Vigue.</p> <p>3 Did you agree to speak with police?</p> <p>4 A. Excuse me.</p> <p>5 Q. When were you finally at the police</p> <p>6 station and you were with Vigue and other</p> <p>7 detectives, did you agree to give a statement?</p> <p>8 A. No.</p> <p>9 Q. You did not agree to give a statement?</p> <p>10 A. No.</p> <p>11 Q. So you did not tell them that you don't</p> <p>12 recall anything about that day?</p> <p>13 A. I did tell them that.</p> <p>14 Q. So what did you tell the police that day</p> <p>15 after you were arrested?</p> <p>16 A. That I don't know nothing about what they</p> <p>17 are talking about.</p> <p>18 Q. Do you remember what they asked you?</p> <p>19 A. I remember what he said.</p> <p>20 Q. What did he say?</p> <p>21 A. Vigue himself was saying -- it was one</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Okay. So there were questions posed to</p> <p>2 you by Vigue?</p> <p>3 A. Yeah.</p> <p>4 Q. Whether or not you answered them is a</p> <p>5 separate question?</p> <p>6 A. Yeah, I don't recall, yeah.</p> <p>7 Q. When you first got to the station, do you</p> <p>8 recall them asking for things like biographical</p> <p>9 information, your name, where you live, your phone</p> <p>10 number. Did they go through those questions with</p> <p>11 you at the beginning?</p> <p>12 A. I don't recall, but I'm sure they did.</p> <p>13 Q. And did they go through an advice of</p> <p>14 rights with you, where you have to initial form and</p> <p>15 they read you --</p> <p>16 A. No.</p> <p>17 Q. -- about whether or not you want to talk?</p> <p>18 A. No, I don't recall.</p> <p>19 Q. You just don't recall?</p> <p>20 A. No.</p> <p>21 Q. Is it possible that they read that form to</p>
<p style="text-align: right;">Page 91</p> <p>1 thing that stood out to me the most about his</p> <p>2 questioning. He literally said that "so you -- you</p> <p>3 going to take this." I thought that was weird for</p> <p>4 him to say when I kept on saying I wasn't there, had</p> <p>5 nothing to do with this. He said "so you going to</p> <p>6 take this, huh." And I said -- I asked him to</p> <p>7 repeat it. He said "so you're going to go down for</p> <p>8 this." And my response was "go down, I don't know</p> <p>9 about that."</p> <p>10 Q. Do you recall any other questions that</p> <p>11 Vigue asked you?</p> <p>12 A. No. That stood out to me because it was</p> <p>13 like, you know, he almost -- like he knew that --</p> <p>14 almost like to say that if you don't -- like he know</p> <p>15 that I didn't do it but at the same time saying that</p> <p>16 he was going to -- look like I'm going down for it</p> <p>17 if I don't, you know, help him in some type of way.</p> <p>18 Q. Okay. Let's back up a little bit. So</p> <p>19 Vigue did ask you questions at the police station,</p> <p>20 is that fair to say?</p> <p>21 A. He tried.</p>	<p style="text-align: right;">Page 93</p> <p>1 you?</p> <p>2 A. I don't recall that, no.</p> <p>3 Q. Okay. You just have no memory?</p> <p>4 A. Not of them -- not -- I don't recall them</p> <p>5 ever saying I had the right to remain silent or</p> <p>6 nothing like that.</p> <p>7 Q. Is it possible they did and you just don't</p> <p>8 remember it?</p> <p>9 MR. BALLENGER: Objection. You can</p> <p>10 answer.</p> <p>11 A. I think I would remember something like</p> <p>12 that.</p> <p>13 Q. Then did they ask you questions about what</p> <p>14 you were doing on February the 25th of 2001?</p> <p>15 A. I'm sure he did.</p> <p>16 Q. Okay. You just don't remember what those</p> <p>17 specific questions were?</p> <p>18 A. No, because I had short answers for it.</p> <p>19 Q. Do you recall whether or not they</p> <p>20 mentioned whether you were at Sally's bar that</p> <p>21 night?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. It's a possibility that he asked me that.</p> <p>2 Q. And they mention any of the injuries of</p> <p>3 the victim to you at that point?</p> <p>4 A. I'm sure he did say stuff about that too.</p> <p>5 Q. You just don't have a specific</p> <p>6 recollection of it?</p> <p>7 A. No.</p> <p>8 Q. So when the questions that you do</p> <p>9 remember, do you remember what kind of questions</p> <p>10 they were asking you around the -- so there is</p> <p>11 specific things that you are remember about --</p> <p>12 A. Like I know he was asking me about names.</p> <p>13 And, you know, like he mentioned my brother, I</p> <p>14 believe. And of course my so-called co-defendant</p> <p>15 and whether I was there and what do I know about</p> <p>16 that night.</p> <p>17 Q. Just so the record is clear, when you say</p> <p>18 you're so-called co-defendant, who is that?</p> <p>19 A. Donte Lyle.</p> <p>20 Q. And your brother being Blake Thomas?</p> <p>21 A. Yes.</p>	<p style="text-align: right;">Page 96</p> <p>1 manipulative. And it seemed like whatever mode he</p> <p>2 set, Copeland followed. Like trying to intimidate</p> <p>3 me, trying to get me to say like -- I don't know</p> <p>4 what they wanted from me. Because I told them I</p> <p>5 wasn't there. I don't...</p> <p>6 Q. So you're describing Detective Vigue as</p> <p>7 being aggressive in tone and in body language?</p> <p>8 A. And manipulative.</p> <p>9 Q. And manipulative. And this is what</p> <p>10 occurred in your interaction for when they were</p> <p>11 trying to get a statement from you?</p> <p>12 A. Yes.</p> <p>13 Q. Other than that statement, what other</p> <p>14 interactions did you have with Detective Vigue?</p> <p>15 A. None.</p> <p>16 Q. So that was -- other than court, is that</p> <p>17 the only time that you saw him in relation to this</p> <p>18 case?</p> <p>19 A. Yes, I believe so.</p> <p>20 Q. What about Detective Copeland?</p> <p>21 A. Same.</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. And your interview with the police was not</p> <p>2 on tape?</p> <p>3 A. No.</p> <p>4 Q. Is that right?</p> <p>5 A. No.</p> <p>6 Q. Okay. Now, the lawsuit brought in this</p> <p>7 case is against Detective Vigue, Detective Copeland,</p> <p>8 and Detective Danielczyk. Those are the specific</p> <p>9 ones the case is brought against, right. Can you</p> <p>10 just tell me what Detective Vigue did wrong in terms</p> <p>11 of his wrongdoing in this case?</p> <p>12 MR. BALLENGER: I'm going to object to the</p> <p>13 broadness of that. Calls for a lot of legal</p> <p>14 speculation on his part. With that in mind,</p> <p>15 you can answer the question.</p> <p>16 A. Repeat the question?</p> <p>17 Q. I'll ask the question a little bit</p> <p>18 differently. What has your interaction been with</p> <p>19 Detective Vigue?</p> <p>20 A. He was aggressive in tone and in body</p> <p>21 language. He was very, I don't know, trying to be</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. So just this statement that they took from</p> <p>2 you?</p> <p>3 A. Yes.</p> <p>4 Q. And what about Detective Danielczyk, was</p> <p>5 he present for the statement?</p> <p>6 A. Him and Don Lee, I don't -- they didn't</p> <p>7 pretty much say much. I don't -- you know.</p> <p>8 Q. As to your specific -- as to this specific</p> <p>9 case, did you have any other interactions with</p> <p>10 Detective Danielczyk?</p> <p>11 A. No.</p> <p>12 Q. Okay. Now you mentioned that you believe</p> <p>13 that Detective Vigue was being manipulative. In</p> <p>14 what way was he being manipulative?</p> <p>15 A. If you tell me that "are you going to go</p> <p>16 down for this" and you frame it in a different way</p> <p>17 and say -- he said "are you going down for this."</p> <p>18 And he said "so you going" -- when he repeated it,</p> <p>19 he pretty much said the same thing. So I'm like</p> <p>20 that's strange language for a person that you saying</p> <p>21 did it. Like why would I be going down for</p>

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<p>1 something -- why would you say "so you going down 2 for this" if you're saying at the same time that I 3 did it. That's manipulative. I don't know what 4 that was about, but it was like I took it as a 5 threat on my life.</p> <p>6 Q. You understood that to be a threat on your 7 life.</p> <p>8 A. Yes.</p> <p>9 Q. That one question or those two questions?</p> <p>10 A. Absolutely. Absolutely.</p> <p>11 Q. So I didn't ask these questions. But -- 12 so where -- this happened at the police station?</p> <p>13 A. Yes.</p> <p>14 Q. One of the police stations?</p> <p>15 A. Yes.</p> <p>16 Q. Could you describe what the room looked 17 like that you were in?</p> <p>18 A. Small room. Small table. Three guys 19 aggressively grilling me.</p> <p>20 Q. Okay. So it was -- who were the three 21 detectives in the room?</p>	<p>1 Q. Did you ever ask to use the rest room 2 while you were there?</p> <p>3 A. I don't recall.</p> <p>4 Q. Okay. Do you recall them denying your 5 ability to use the rest room if you needed it?</p> <p>6 A. I don't recall at all.</p> <p>7 Q. Now, I know you said the questioning was 8 threatening. That's your testimony today, right? 9 That line of questioning about, you know, you're 10 going to go down for this, those questions. Those 11 are threatening to you, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Did they ever physically threaten you in 14 the room?</p> <p>15 A. No.</p> <p>16 Q. Nobody brought their guns out and put them 17 on the table or anything like that?</p> <p>18 A. No. Unless you want to take, "are you 19 going down for this" as a physical threat. I did.</p> <p>20 Q. Okay. And ultimately you stuck to what 21 you said through -- so what did you tell them in</p>
Page 99	Page 101
<p>1 A. I know it was him and Copeland.</p> <p>2 Q. Who is him?</p> <p>3 A. Vigue and Copeland at all times. And then 4 different times, you know, if that's his name, Don 5 Lee or Danielczyk would come in and just stare at me 6 and grill me. But it was Copeland and Vigue, mostly 7 Vigue, that was opening up their mouth.</p> <p>8 Q. And how long did -- how long were you in 9 that room for?</p> <p>10 A. I was -- without meeting with the lawyer, 11 I said they kept on trying to spin their questions 12 around for a long time, just to get the same answers 13 from me.</p> <p>14 Q. More than a half hour?</p> <p>15 A. Yes.</p> <p>16 Q. More than an hour?</p> <p>17 A. I believe so, yes.</p> <p>18 Q. More than two hours?</p> <p>19 A. I don't know. I can't -- but I know it 20 was lengthy enough to say it was longer than a half 21 hour or hour.</p>	<p>1 response to "are you going to go down for this"?</p> <p>2 A. I asked him to repeat it. And he said the 3 same thing in a different way. I don't know if it 4 was the first time he said "are you going to go down 5 for this", and I said, "huh, say that again." And 6 he said "so you going to take this charge." That's 7 what he said. He said it two different ways. "So 8 you going to take this charge."</p> <p>9 Q. And what did you say in response to that?</p> <p>10 A. He might have said that one first and then 11 when I asked him to repeat it he said "so you going 12 to go down for this." But he definitely said those 13 two things. I can't recall -- it's more than likely 14 that he said "so you going to take this charge" 15 first. And then when I asked him to repeat it, and 16 he said "oh, so you going to go down for this."</p> <p>17 Q. So when you -- did you say anything in 18 response to the second time that he made that 19 statement?</p> <p>20 A. I said "I don't know about going down."</p> <p>21 Q. That's what you said?</p>

<p style="text-align: right;">Page 102</p> <p>1 A. Yeah.</p> <p>2 Q. Is there anything more that you said after</p> <p>3 that?</p> <p>4 A. No.</p> <p>5 Q. Did you conclude -- did you try to</p> <p>6 conclude the statement at that point?</p> <p>7 A. Yeah, I was -- I shut down after that</p> <p>8 pretty much because I understood what was going on.</p> <p>9 Q. Now, when he said you're going to go down</p> <p>10 for this, was that a question or was that a</p> <p>11 statement?</p> <p>12 A. No, it was a question.</p> <p>13 Q. It was a question. So he asked in a</p> <p>14 way -- he said it in a way that was a question to</p> <p>15 you?</p> <p>16 A. He said "so you are going to go down for</p> <p>17 this." That's a question. And I asked him to</p> <p>18 repeat it. And he said "so you going to take this",</p> <p>19 to that form. I don't know. I was like "okay, I</p> <p>20 see what's going on here."</p> <p>21 Q. After you were done with your statement</p>	<p style="text-align: right;">Page 104</p> <p>1 A. Only because, when I say that, only</p> <p>2 because my co-defendant was -- couldn't be a witness</p> <p>3 because of his deal. So he was more important than</p> <p>4 Myron Brockington, but in his deal to not testify on</p> <p>5 my behalf hindered me.</p> <p>6 Q. So let's talk about Mr. Lyle and his case.</p> <p>7 What did you learn while your case was pending about</p> <p>8 Mr. Lyle's case?</p> <p>9 A. Could you reframe the question.</p> <p>10 Q. What happened to Mr. Lyle's case, your</p> <p>11 co-defendant?</p> <p>12 A. He took a plea.</p> <p>13 Q. Were you present in the courtroom for that</p> <p>14 plea?</p> <p>15 A. I was present when his lawyer said that --</p> <p>16 the part where, you know, he is taking a plea and he</p> <p>17 will no longer be, you know, part of this process</p> <p>18 pretty much, how I remembered it.</p> <p>19 Q. So you were present for that?</p> <p>20 A. Yes.</p> <p>21 Q. And who was his attorney at that time?</p>
<p style="text-align: right;">Page 103</p> <p>1 where did you go after that?</p> <p>2 A. I believe Central Booking.</p> <p>3 Q. And then you selected to take this case to</p> <p>4 trial; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And who was your attorney for the trial?</p> <p>7 A. Lyle Jones.</p> <p>8 Q. You were present in the courtroom for all</p> <p>9 of your trial testimony?</p> <p>10 A. I believe so.</p> <p>11 Q. So you were not -- to the best of your</p> <p>12 recollection you didn't miss any of the witness</p> <p>13 testimony for any reason?</p> <p>14 A. I don't think so.</p> <p>15 Q. And you were present for the testimony of</p> <p>16 Mr. Brockington?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And in your opinion who was the key</p> <p>19 witness in your trial?</p> <p>20 A. Myron Brockington.</p> <p>21 Q. And --</p>	<p style="text-align: right;">Page 105</p> <p>1 A. William Purpura.</p> <p>2 Q. Were you present when Mr. Lyle had to</p> <p>3 actually go through a list of questions with the</p> <p>4 judge and said that he was pleading guilty?</p> <p>5 A. I don't recall.</p> <p>6 Q. And what did you learn about Mr. Lyle's</p> <p>7 deal?</p> <p>8 A. Just that I learned that -- well, I</p> <p>9 learned that at first it seemed like a simple plea</p> <p>10 agreement, but I learned the specifics behind it a</p> <p>11 little after that.</p> <p>12 Q. What were the specifics -- what were the</p> <p>13 specifics?</p> <p>14 A. You can not testify on Melvin Thomas's</p> <p>15 behalf.</p> <p>16 Q. How did you learn about that?</p> <p>17 A. Through my lawyer. And through his</p> <p>18 lawyer.</p> <p>19 Q. Did you see any written agreement to that</p> <p>20 effect?</p> <p>21 A. I did not.</p>

<p style="text-align: right;">Page 106</p> <p>1 Q. So this is just information you got?</p> <p>2 A. Through lawyers, yeah.</p> <p>3 Q. Okay. How did you feel when you found out</p> <p>4 that he had pled guilty?</p> <p>5 A. I didn't feel no way about it. I was</p> <p>6 indifferent about him pleading guilty.</p> <p>7 Q. And how did you feel about the specific</p> <p>8 terms about his plea?</p> <p>9 A. I was crushed about that. I was crushed</p> <p>10 about that. Because it just -- it sounds -- like a</p> <p>11 weight just keep on going against me.</p> <p>12 Q. Did you know what Mr. Purpura told your</p> <p>13 attorney about the specifics?</p> <p>14 A. That's -- that's exactly what he told him.</p> <p>15 He said that he did what was in his client's best</p> <p>16 interest, even though his client told him that he</p> <p>17 wasn't there and all this and all that and he had</p> <p>18 nothing to do with that. He said that deal would</p> <p>19 have been off the table if he would have tried to</p> <p>20 testify on my behalf. Because my lawyer asked him</p> <p>21 can he testify on his behalf. And he said</p>	<p style="text-align: right;">Page 108</p> <p>1 said all that.</p> <p>2 Q. Okay. So let's go over that a little bit</p> <p>3 more. So what did Mr. Purpura, when he talked to</p> <p>4 you, what did he say that he could do on your</p> <p>5 behalf?</p> <p>6 A. Say just that, that his client did say</p> <p>7 that I wasn't there, that I did not have anything to</p> <p>8 do with -- I wasn't nowhere around, I wasn't a</p> <p>9 thought in his mind, that Myron Brockington is</p> <p>10 lying. That -- and that -- yeah, just that.</p> <p>11 Q. Okay. And did you ever review any</p> <p>12 transcripts or were you aware of the statement of</p> <p>13 facts supporting Donte Lyle's guilty plea?</p> <p>14 A. No, I told you that already.</p> <p>15 Q. So you don't know?</p> <p>16 A. Yeah, I never seen paperwork on his plea,</p> <p>17 no.</p> <p>18 Q. Would it surprise you that you're named as</p> <p>19 the shooter in that plea --</p> <p>20 A. That would surprise he. Yeah, that would</p> <p>21 surprise me a lot actually.</p>
<p style="text-align: right;">Page 107</p> <p>1 absolutely not.</p> <p>2 Q. And did you ever speak with Mr. Purpura?</p> <p>3 A. I did.</p> <p>4 Q. And what did Mr. Purpura say to you?</p> <p>5 A. Just that.</p> <p>6 Q. When did you speak to Mr. Purpura?</p> <p>7 A. When I was incarcerated.</p> <p>8 Q. Do you remember approximately when that</p> <p>9 was?</p> <p>10 A. It was -- it was not too long in, and</p> <p>11 he -- and he informed me that I can -- my attorneys</p> <p>12 can actually subpoena him and he will testify to any</p> <p>13 demonstrations, just that, that that's what</p> <p>14 happened.</p> <p>15 Q. Just the bit about how he was not --</p> <p>16 Mr. Lyle could not testify for you?</p> <p>17 A. Yeah, not --</p> <p>18 Q. Let me ask my question.</p> <p>19 A. Not just that, he said from the beginning</p> <p>20 that I wasn't there, I didn't have anything to do</p> <p>21 with it, he don't know why I'm here. This is -- he</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. Okay. So to the best of your</p> <p>2 recollection, and you may not have everything</p> <p>3 although you seem to have a pretty good memory of a</p> <p>4 lot of the post conviction proceedings, can you</p> <p>5 describe what efforts you took to try and get out,</p> <p>6 new trial, those types of thing?</p> <p>7 A. What you mean?</p> <p>8 Q. So what if any motions for new trial did</p> <p>9 you file?</p> <p>10 A. Post conviction. Appeal from post</p> <p>11 conviction. Appeal from the appeal. Federal habeas</p> <p>12 corpus.</p> <p>13 Q. And you recall the motion for new trial</p> <p>14 back in April of 2002, around your sentencing?</p> <p>15 A. I don't.</p> <p>16 Q. Do you recall that a motion for new trial</p> <p>17 was filed on your behalf and moved by Lyle Jones?</p> <p>18 A. I found that out after it was already</p> <p>19 done. Like he came to prison and told me of his</p> <p>20 idea of it. And from there on he had his own legs.</p> <p>21 He said he did an investigation, yeah.</p>

<p style="text-align: right;">Page 110</p> <p>1 Q. Did you ever read the motion that he filed 2 on your behalf? 3 A. After. 4 Q. Afterwards? 5 A. Afterwards. 6 Q. Okay. And you said that you were not 7 afraid of Namey, right? 8 A. I don't know, there wasn't anything for me 9 to be afraid of. 10 Q. Would it surprise you to know that in that 11 motion for new trial it says that you were afraid 12 of -- that you knew Charles Floyd was the shooter 13 but withheld this information for fear of bodily 14 harm? 15 A. I was surprised to read that when I read 16 it. 17 Q. Okay. And then that motion for new trial 18 was ultimately denied by the court, do you recall 19 that? 20 A. Don't know. 21 Q. You didn't get a new trial?</p>	<p style="text-align: right;">Page 112</p> <p>1 was he ineffective? 2 MR. BALLENGER: I'm just going to object. 3 To the best of your ability as a lay person not 4 as a lawyer. Go ahead and answer. 5 A. I can't. I mean my lawyer put that 6 together. 7 Q. You have no recollection of it? 8 A. I mean my lawyer filed my post conviction. 9 Q. But do you believe that he was 10 ineffective? 11 A. Absolutely. 12 Q. Okay. So can you tell me in your own 13 words why you thought he was ineffective? 14 A. I mean when you come to trial and you 15 don't have simple things as my co-defendant's taped 16 statement. Like I never seen that. I didn't see 17 that until ten years later. Never seen it. And 18 that information in there would have been definitely 19 helpful at that time. When you come to court and 20 your most important witness that you call is a lady 21 who claimed to talk to the guy prior to the shooting</p>
<p style="text-align: right;">Page 111</p> <p>1 A. Yeah, right, no trial. 2 Q. And there was -- I believe this was also 3 reviewed by the Court of Special Appeals and they 4 denied it as well at some point later; is that 5 right? 6 A. I don't know nothing about that. 7 Q. But you remember that there were appeals 8 filed on your behalf in the case? 9 A. I don't recall no appeals from that motion 10 for new trial. I don't. 11 Q. Did you file a petition for post 12 conviction relief at some point? 13 A. I did. 14 Q. And were you represented by counsel or is 15 that something that you wrote yourself? 16 A. No, counsel did that. 17 Q. Okay. And you were alleging that Mr. Lyle 18 Jones was ineffective? 19 A. Yes. 20 Q. And I mean without going through the 21 specific claims, do you recall what you said -- why</p>	<p style="text-align: right;">Page 113</p> <p>1 but you somehow don't got the eyewitness who said he 2 seen the shooting, it's nowhere. He wasn't even 3 mentioned in trial. That is ineffective. 4 Q. Okay. What if anything else? 5 A. I mean does there have to be anything 6 else. Off the top of my mind. I can go deeper but 7 that's the facts -- 8 Q. I'm asking, what if anything else did you 9 believe was ineffective? 10 A. He asked for -- he tried to subpoena a 11 witness in the middle of trial, got denied. Like he 12 absolutely wasn't prepared to take that trial. 13 Q. What witness did he try to subpoena in the 14 middle of trial? 15 A. Dina Wilson. 16 Q. Anything else that you can think of right 17 now while you're sitting here as to why he was 18 ineffective? 19 A. I mean, you know, that's my answer. 20 Q. And did you file another petition for post 21 conviction relief after the first one?</p>

<p style="text-align: right;">Page 114</p> <p>1 A. No, I don't believe so. Not to my 2 recollection. 3 Q. Okay. 4 A. But I had an attorney the whole time. 5 Q. It's possible one was filed on your 6 behalf? 7 A. A double post conviction. 8 Q. A supplemental petition? 9 A. I guess it's possible. 10 Q. And in September of 2011 there eventually 11 was a motion for a new trial hearing in your case; 12 is that right? 13 A. There was. 14 Q. And do you recall which witnesses 15 testified on your behalf? 16 A. Yes. 17 Q. And who were they? 18 A. Dina Wilson. Dewey Morgan. Darnel Earl. 19 I can't recall if there was any more witnesses. 20 Q. Are do you remember Dina Thomas testifying 21 very briefly?</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. And December 14th of 2020 was your joint 2 petition for writ of actual innocence; is that 3 correct? 4 A. If that's the year. 5 Q. Okay. As a part of the answer to 6 interrogatories that I showed you, Exhibit 2, there 7 are -- there were some questions about physical, 8 mental, emotional distress while you were 9 imprisoned. And that's why you're seeking damages 10 in this case. I'm going to ask you a couple 11 questions relating to. So as to the physical 12 distress, so first of all you were at -- you were 13 housed in different places while you were in the 14 DOC? 15 A. Yes. 16 Q. Can you tell me what you recall where you 17 were? 18 A. At what time? 19 Q. During the entire time. So where did you 20 start and where did you go? 21 A. I went from Maryland House of Corrections,</p>
<p style="text-align: right;">Page 115</p> <p>1 A. Oh, yes, Dina Thomas. 2 Q. And who represented you at that hearing? 3 A. Andrew Robinson. 4 Q. And that was denied by a judge in 2012? 5 A. It was denied for sure. I don't know what 6 year it was. 7 Q. And you made mention of the -- the MPIA 8 request and you obtaining subsequent statements from 9 Dewey Morgan. Do you recall testifying about that? 10 A. Yes. 11 Q. Okay. And was a claim made on your behalf 12 arguing a Brady violation. If you know this, I'm 13 asking. Do you know whether or not you know of a 14 Brady violation? 15 A. For sure. 16 Q. And that was filed in 2015 on your behalf? 17 A. On my behalf. 18 Q. In your case? 19 A. In my case, I'm sure. 20 Q. And that was denied by the court? 21 A. Yeah.</p>	<p style="text-align: right;">Page 117</p> <p>1 maximum security facility, to the Maryland House of 2 Corrections Annex, maximum security facility, to 3 North Branch Correctional Institution, ultra maximum 4 security, to finally making it the last year of my 5 incarceration to MCIJ medium which I was 6 subsequently released from. 7 Q. I believe you said the first one was 8 Maryland House of Corrections? 9 A. Yes. 10 Q. And where is that physically located? 11 A. It don't have a location no more, they 12 knocked it down, but it was in Jessup. 13 Q. That was at Jessup? 14 A. Yes. 15 Q. And your family at that time lived in 16 Baltimore? 17 A. Yes. 18 Q. Okay. So that's about a 25 minute drive? 19 A. Yeah, something like that. 20 Q. Now, I'll just -- start with Jessup. What 21 violence did you observe while you were at Jessup?</p>

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<p>1 A. I was a victim of violence in Jessup. I</p> <p>2 got this nice scar right here from the Maryland</p> <p>3 House of Corrections Annex. I mean Maryland House</p> <p>4 of Corrections. In my sleep too.</p> <p>5 Q. So tell me about that incident, what do</p> <p>6 you recall?</p> <p>7 A. I recall sleeping and waking up to a big</p> <p>8 wide gaping -- gaping scar on my face.</p> <p>9 Q. So obviously -- did somebody contact you</p> <p>10 to take you to receive medical treatment?</p> <p>11 A. Yes.</p> <p>12 Q. Did you see who did it?</p> <p>13 A. No, I didn't.</p> <p>14 Q. Were you -- so while you were asleep, and</p> <p>15 I don't know the logistics of this, who was in that</p> <p>16 cell with you?</p> <p>17 A. Eighty-nine other people.</p> <p>18 Q. Eighty-nine other people?</p> <p>19 A. Yes.</p> <p>20 MR. BALLENGER: Just for clarification,</p> <p>21 that wasn't a cell, it was a dorm.</p>	<p>1 A. No.</p> <p>2 Q. Could you take a moment to look at it. So</p> <p>3 this is a little difficult to read at times. I'm</p> <p>4 just going to ask you to turn to the last page.</p> <p>5 A. Yeah.</p> <p>6 Q. So at the very -- at the bottom, the last</p> <p>7 paragraph it says, it looks like, AIP, colon. Do</p> <p>8 you see that?</p> <p>9 A. Last page.</p> <p>10 Q. Yes. On the very back last page, sorry.</p> <p>11 If you could turn to the back because these are two</p> <p>12 sided pages.</p> <p>13 A. All right.</p> <p>14 Q. So the last paragraph there, do you see</p> <p>15 where it says facial laceration?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. It says "will close." There is</p> <p>18 some medical jargon, but the last sentence it says</p> <p>19 "F/U five days for suture removal." Is that an</p> <p>20 accurate description of what treatment you had to</p> <p>21 receive after leaving the system?</p>
Page 119	Page 121
<p>1 A. Yeah, it was an open dorm.</p> <p>2 Q. It was an open dorm. Where were you taken</p> <p>3 for medical treatment?</p> <p>4 A. I believe to the University of Maryland.</p> <p>5 Q. University of Maryland Medical Center?</p> <p>6 A. Yes.</p> <p>7 Q. And how long were you there when you</p> <p>8 received treatment?</p> <p>9 A. Few hours. A plastic surgeon came through</p> <p>10 and stitched me up pretty good.</p> <p>11 Q. Were you admitted to the hospital for</p> <p>12 treatment or were you just treated in the -- like in</p> <p>13 the -- were you just treated in and out within a</p> <p>14 couple hours?</p> <p>15 A. Yeah, treated in and out within a couple</p> <p>16 of hours.</p> <p>17 (Deposition Exhibit 3 marked.)</p> <p>18 Q. Showing to counsel Exhibit 3. Mr. Thomas,</p> <p>19 if you could take a quick moment to look at</p> <p>20 Exhibit 3. I'm not sure, have you seen this</p> <p>21 document before?</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. Did you have to go back to receive</p> <p>3 any further medical treatment for that laceration,</p> <p>4 other than just the suture removal?</p> <p>5 A. No. Pain medications.</p> <p>6 Q. And what type of pain medications did you</p> <p>7 take?</p> <p>8 A. I don't recall.</p> <p>9 Q. Do you recall if it was opiates or</p> <p>10 anything that had to be prescribed?</p> <p>11 A. I believe that it was a prescribed dose.</p> <p>12 It wasn't like an Ibuprofen or nothing.</p> <p>13 Q. Okay. And, again, this is while you were</p> <p>14 at MHC?</p> <p>15 A. Yes.</p> <p>16 Q. Jessup. Okay. And how many stitches did</p> <p>17 you receive?</p> <p>18 A. Twenty in, 20 out. So 40 altogether to my</p> <p>19 recollection.</p> <p>20 Q. When you say 20 in, 20 out, what do you</p> <p>21 mean by that?</p>

<p style="text-align: right;">Page 122</p> <p>1 A. I didn't understand the language either, 2 but he said he had to stitch 20 inside my jaw and 3 then close it with 20 more. 4 MR. BALLENGER: For the record, that's 5 typical subdural stitching followed by them, 6 just to let you know. 7 Q. So that's -- obviously you were a victim 8 of violence there. Were there any other incidences 9 in which you were a victim of violence while you 10 were there? 11 A. In that prison? 12 Q. In that one, yes. 13 A. No. 14 Q. Okay. And did they ever -- they didn't 15 apprehend whoever did it? 16 A. No, they just moved me. 17 Q. They just moved you. Where did you get 18 moved to after that? 19 A. Next door. 20 Q. To another dorm? 21 A. No, to the Maryland House the Corrections</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. Do you remember what year that was? 2 A. I don't. 3 Q. Okay. Was it in the beginning of your 4 time there or was it middle? 5 A. Pretty much in the beginning. 6 Q. The beginning? 7 A. Yeah, the first year or so there. 8 Q. Okay. So -- I'm sorry, what happened that 9 caused the injury? 10 A. A guy ran up on me and started trying to 11 punch me, and we got into an altercation. And him 12 rushing me, it made me -- it tore my lateral 13 collateral ligament. My knee blew up. And it was 14 crazy. And they -- and their subpar medical 15 treatment allowed my knee to heal weird and it just 16 took a long time for me to be able to actually like 17 do things just normal with my leg. 18 Q. Who was it that you got into this 19 altercation with that ran up to punch you? 20 A. I don't know. Some guy that had a problem 21 with one of my friends.</p>
<p style="text-align: right;">Page 123</p> <p>1 Annex. 2 Q. That's the Annex. How long were you at 3 the Annex for? 4 A. For approximately about four years. 5 Q. Were you a victim of violence while you 6 were there? 7 A. Physically or mentally? 8 Q. Physically. 9 A. No. 10 Q. Okay. After the annex, where did you go 11 after that? 12 A. North Branch Correctional Institution. 13 Q. While you were at North Branch 14 Correctional Institution were you physically the 15 victim of any violence? 16 A. Yes. 17 Q. Could you describe that? 18 A. Yes. My -- tried to attack me and I tore 19 my LCL but they didn't go give me no medical 20 treatment for. It took me about four years to get 21 my knee back right.</p>	<p style="text-align: right;">Page 125</p> <p>1 Q. And do you know if he was disciplined as a 2 result of this? 3 A. Yeah, I never seen him again in there. 4 Q. Any other injury, physical injuries while 5 you were at Northern Branch? 6 A. Yes. 7 Q. Okay. Tell me about the next one? 8 A. They starved me for days. The 9 correctional officers did. Which automatically led 10 into a big investigation that ultimately led to the 11 Warden being escorted out of there. Just because of 12 that. 13 Q. When was that? 14 A. The year was -- I don't recall the year. 15 Actually I don't. 16 Q. Was that in the last decade? 17 A. No, it was -- it was -- I was in there for 18 11 and a half years, and things in that jail was 19 constant what they were doing. So everything is bad 20 about my experience there. So I don't -- so I can't 21 point out a specific year. They was always doing</p>

<p style="text-align: right;">Page 126</p> <p>1 something.</p> <p>2 Q. Do you remember who the Warden was that</p> <p>3 was escorted out?</p> <p>4 A. Bobby Sheridan.</p> <p>5 Q. Bobby Sheridan?</p> <p>6 A. Yes, Bobby Sheridan. And the same reasons</p> <p>7 that they escorted him was the exact reasons that I</p> <p>8 put in my complaint.</p> <p>9 Q. Okay. And then after Northern Branch,</p> <p>10 then you went to MCIJ; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. And did you receive any physical violence</p> <p>13 at MCIJ?</p> <p>14 A. No. Covid. Covid attacked me in MCIJ.</p> <p>15 Almost felt like I was going to die.</p> <p>16 Q. Did you receive the vaccine while you were</p> <p>17 there?</p> <p>18 A. No. The vaccine wasn't even out then at</p> <p>19 that time.</p> <p>20 Q. So what year did you get Covid?</p> <p>21 A. When was I released, in 2020, right. So</p>	<p style="text-align: right;">Page 128</p> <p>1 A. My cell buddy, the person that was in the</p> <p>2 cell with me.</p> <p>3 Q. Anybody else?</p> <p>4 A. No, just us.</p> <p>5 Q. Do you know why that happened?</p> <p>6 A. Because they said my cell buddy threw</p> <p>7 trash on the tier, so they decided the penalty</p> <p>8 should be starving us for five days.</p> <p>9 Q. Did your cell buddy receive an infraction</p> <p>10 as a result of that?</p> <p>11 A. No. Yeah, not being fed was the</p> <p>12 infraction.</p> <p>13 Q. There was no hearing or official notice</p> <p>14 that you know of?</p> <p>15 A. No, no.</p> <p>16 Q. Okay. Now, you also mentioned that you</p> <p>17 observed violence within the facilities. And we're</p> <p>18 going to go in chronological order again. Starting</p> <p>19 with what I'm going to call Jessup, the first</p> <p>20 facility you were in, what violence did you observe,</p> <p>21 did you personally observe?</p>
<p style="text-align: right;">Page 127</p> <p>1 earlier 2020 I believe. In the beginning of Covid.</p> <p>2 Q. And you were treated within the facility?</p> <p>3 A. I was isolated in the facility, if you</p> <p>4 want to call that treatment. I was quarantined.</p> <p>5 Q. Okay. Now, you also mentioned that -- I'm</p> <p>6 sorry, I forgot to ask a follow-up question related</p> <p>7 to this. You mentioned that you were starved for</p> <p>8 days while you were at I believe it was Northern</p> <p>9 Branch?</p> <p>10 A. North Branch.</p> <p>11 Q. North Branch. How many days was it</p> <p>12 that --</p> <p>13 A. Five.</p> <p>14 Q. -- you didn't receive -- five days?</p> <p>15 A. Five days.</p> <p>16 Q. Had you received any infractions around</p> <p>17 that period of time?</p> <p>18 A. Absolutely not.</p> <p>19 Q. Who else other than you was starved?</p> <p>20 A. My cell mate.</p> <p>21 Q. I'm sorry.</p>	<p style="text-align: right;">Page 129</p> <p>1 A. I mean when I first got there, off the</p> <p>2 top, I was in my cell and I heard screaming. And I</p> <p>3 later seen the guy running past my cell with -- and</p> <p>4 every time he touched his skin the skin would just</p> <p>5 peel off. Come to find out later that they threw</p> <p>6 hot baby oil -- boiling hot baby oil on him. And</p> <p>7 any placed that he touched just peeled, like butter,</p> <p>8 just removed. That was crazy. And -- yeah, that</p> <p>9 was insane to see.</p> <p>10 Q. And was that when you were early on at</p> <p>11 Jessup?</p> <p>12 A. Early on. That's my introduction to the</p> <p>13 Maryland House of Corrections.</p> <p>14 Q. Anything else while you were there?</p> <p>15 A. Yeah. Multiple stabbings. Hear people --</p> <p>16 well, I heard that once in the Maryland House of</p> <p>17 Corrections, somebody get raped.</p> <p>18 Q. You heard that somebody got raped, but did</p> <p>19 you witness it?</p> <p>20 A. No, I said I heard it.</p> <p>21 Q. You actually heard?</p>

<p style="text-align: right;">Page 130</p> <p>1 A. I heard it, I listened to somebody getting 2 raped. And these instances happened when I was in 3 the cells. So the dorm was a different experience. 4 Q. Did you personally observe any murders 5 while you were at Jessup? 6 A. Two personally. 7 Q. So what did you -- 8 A. No, not in Jessup. 9 Q. Okay. Let's move now -- any other 10 instance -- 11 A. No, but I seen stabbings and stuff. 12 Q. Approximately how many stabbings did you 13 see? 14 A. Numerous. Numerous. That was constant. 15 That was all the time. I seen full out knife fights 16 with groups versus groups. Yeah. Violence was 17 constant in the Maryland House of Corrections. 18 Q. Daily, weekly, monthly, what are we 19 talking about? 20 A. Definitely weekly at least. Got something 21 new for you every week.</p>	<p style="text-align: right;">Page 132</p> <p>1 done fast. You wouldn't even notice that it was a 2 stabbing, because it looked like he was just running 3 in the yard. Then he ran towards the guy, it was 4 close proximity, then he just ran off and the guy 5 just dropped. 6 Q. How far were you away from the stabbing 7 happening? 8 A. About 20, 30 feet. 9 Q. And how did you feel after you realized 10 what had happened? 11 A. Like wow. Because that guy didn't get 12 caught. Never got caught. Like I seen him every 13 day after that on the compound. So that's how 14 smooth that was. 15 Q. So you saw who did the murder? 16 A. Yeah. 17 Q. Okay. And obviously you saw the victim 18 afterwards? 19 A. Yeah. 20 Q. Were you scared of the person who did the 21 murder?</p>
<p style="text-align: right;">Page 131</p> <p>1 Q. Now, at the Annex, same set of questions. 2 What if any violence did you observe while you were 3 there? 4 A. Besides just regular stabbings and seeing 5 numerous helicopters come get people. That jail was 6 my first time I ever seen a murder. And that was in 7 the yard. And that was done like -- no, two. Two 8 in the Annex. One I didn't see the murder but I 9 seen the results. I seen them carry -- I seen the 10 dude go to -- go to his destination, come out with 11 handcuffs, and them come out with a real knife, like 12 a knife that flip out that they got from somehow. 13 Uptown, like from -- had to be in the streets. 14 Can't make that in prison. It was a real flip out 15 knife. Them walking up there with that in a bag and 16 them walking with the victim and strolling him up 17 the compound with a sheet over him. 18 Q. That's what you saw of one of the murders? 19 A. Yeah. And another one -- the first one 20 was when a guy was in the yard and another guy just 21 rolled -- he was standing on the fence. And it was</p>	<p style="text-align: right;">Page 133</p> <p>1 A. No. 2 Q. Did you have any safety concerns? 3 A. There wasn't need. We slept in two 4 different housing buildings. So only time I seen 5 him is outside of my unit so I had no -- and we had 6 no interaction so wasn't no real reason for me to be 7 like overwhelmingly afraid of him. 8 Q. But the two of you were in the yard 9 together? 10 A. Yeah, we was in the yard together that 11 day, yeah. They actually shut that big yard down 12 for a long time after that though. So we was only 13 out in the individual yards that was connected to 14 our building so that made it difficult for me to see 15 him anyway. 16 Q. Was there a point in time in which the 17 yard was opened up again and the two of you saw each 18 other? 19 A. I don't recall. 20 Q. But you weren't frightened of him? 21 A. I mean I was -- I was -- I was frightened</p>

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1 of the situation because that guy was about to go
 2 home. And this is all documented proof. Like you
 3 can go back into their records and show a guy got
 4 killed in that timeframe in the yard. I'm not
 5 making this up. I was there to see it. This is
 6 stuff I can prove. Not making it up in my mind.
 7 Q. And approximately when did this happen?
 8 A. This approximately happened around
 9 2005ish, sixish. Both of them. Both of the
 10 murders.
 11 Q. So you mentioned that I can go up and look
 12 this up myself?
 13 A. Absolutely.
 14 Q. Request the records. My question to you
 15 is can you give me as much information as possible
 16 about this so if I decide to go look this up I can?
 17 A. I just gave it to you. A guy died in the
 18 yard. Ain't too many happening that year. That's
 19 the only one that happened.
 20 Q. In 2005?
 21 A. 2005 or 2006. Then a guy got killed on

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1 lock-up. He was in cuffs. The guy was in cuffs
 2 that got killed. And one guy walked down there to
 3 kill him. And what happened, that's how he died,
 4 because the police ran while he murdered that boy.
 5 Q. Is this the -- the other murder that you
 6 described as seeing the --
 7 A. The knife.
 8 Q. With the folding knife?
 9 A. Right, yeah.
 10 Q. And that was in that 2005 to 2006 period
 11 of time as well?
 12 A. Yup. Yup. Yup.
 13 Q. And how did you feel after witnessing
 14 that?
 15 A. Coincidentally both of them guys was about
 16 to go home.
 17 Q. Which guys?
 18 A. The victims.
 19 Q. Victims?
 20 A. So that alone just messes with your head.
 21 Like damn, they died in prison when they was about

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1 to go home. Insane. Insane. So the environment
 2 was scary and unpredictable, daily. It's a mental
 3 institution.
 4 Q. So let's talk about Northern Branch. What
 5 violence did you observe while you were there?
 6 A. Man, now, North Branch had the highest
 7 rate of cell buddy murders I ever seen in my life.
 8 Q. Cell body murders?
 9 A. Cell buddies, two people in the cell.
 10 Q. Cell buddy murders.
 11 A. And one come out alive and the other one
 12 is dead. Like on the regular. I know one guy, one
 13 guy specifically, that killed three of his cell
 14 buddies before they finally decided that they can't
 15 put nobody in the cell with him. It took three of
 16 them.
 17 Q. Did you witness any of the murders?
 18 A. No, I wasn't in the cell with him, but I
 19 knew the guys.
 20 Q. So how did you learn about the murders?
 21 A. Because it's well known. Like it's in our

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1 community. He killed his cell buddy, went to
 2 lock-up, came off, they gave him another cell buddy,
 3 he killed him too. Then he killed another one.
 4 Q. I just want to make sure I understand this
 5 correctly. Were you in when these three murders
 6 happened --
 7 A. I was in prison, yeah, it happened during
 8 my time. I was on the tier with the guy at some
 9 point in time.
 10 Q. Were you on the tier with any of these
 11 folks while these murders happened?
 12 A. I said I was on the tier with the guy who
 13 committed the murders.
 14 Q. So my question is were you on the same
 15 tier with him when he committed these murders?
 16 A. No, I wasn't on the same tier with him
 17 when he committed the murders.
 18 Q. What was his name?
 19 A. I don't know his real name. I just know
 20 his nick name.
 21 Q. What is his name?

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<p>1 A. Antmo.</p> <p>2 Q. Antmo?</p> <p>3 A. Yeah.</p> <p>4 Q. And what was Antmo in for if you know?</p> <p>5 A. Murder.</p> <p>6 Q. Murder?</p> <p>7 A. Yeah, he was from the District of</p> <p>8 Columbia. So I believe that he had to get locked up</p> <p>9 in like Prince George's County or something.</p> <p>10 Q. Why. Why?</p> <p>11 A. Because that's the only way -- that's</p> <p>12 where they go at. When D.C. boys, when they get</p> <p>13 locked up in Maryland, they are usually coming from</p> <p>14 Prince George's County.</p> <p>15 Q. Now, you mentioned obviously these -- I</p> <p>16 think you said it was three that he was responsible</p> <p>17 for. What other ones?</p> <p>18 A. Just them three.</p> <p>19 Q. Okay. Did you actually witness any</p> <p>20 murders while you were at Northern Branch?</p> <p>21 A. Yes.</p>	<p>1 of the tennis shoes, to see them breathing hard, to</p> <p>2 see everything. Yeah. And another one was -- there</p> <p>3 were two laundry men on the tier, I don't know if</p> <p>4 the other made one mad, but that ended up with him</p> <p>5 being knocked out and stomped to death right on the</p> <p>6 walkway to the chow.</p> <p>7 Q. To the where?</p> <p>8 A. To go to eat.</p> <p>9 Q. To -- okay, to the meal hall?</p> <p>10 A. Right. Like I said, these are things</p> <p>11 that, you know, that's documented. Like these</p> <p>12 things -- because I know his name that died. His</p> <p>13 name was Michael Armistead. He got stomped to</p> <p>14 death.</p> <p>15 Q. This is the laundry men working?</p> <p>16 A. Yeah.</p> <p>17 Q. Michael Armistead was the victim?</p> <p>18 A. Yeah, he was the victim.</p> <p>19 Q. And who stopped him to death?</p> <p>20 A. The other laundry man.</p> <p>21 Q. Who was it?</p>
Page 139	Page 141
<p>1 Q. Let's talk about that. What did you</p> <p>2 observe?</p> <p>3 A. I observed two Mexicans in the big yard,</p> <p>4 in our big yard on three and four side, because, you</p> <p>5 know, you got four buildings in North Branch. One</p> <p>6 and two and three and four. Rec time, three and</p> <p>7 four side, broad daylight, two Mexicans beat another</p> <p>8 Mexican to death. Stomped him until their white</p> <p>9 shoes were red. Until they're tired. Until they</p> <p>10 were -- that's how long it took for the police to</p> <p>11 get to the yard and finally stop that.</p> <p>12 Q. Okay. And where were you -- how far were</p> <p>13 you from it happening?</p> <p>14 A. Not far at all.</p> <p>15 Q. How far?</p> <p>16 A. Not many feet. I mean, you know, it was</p> <p>17 shocking to see. I stood there about, I don't know,</p> <p>18 20 feet away, something like that. I don't know.</p> <p>19 Not far.</p> <p>20 Q. Okay.</p> <p>21 A. Far enough to clearly see it, the detail</p>	<p>1 A. I don't know his name.</p> <p>2 Q. Do you know the nick name?</p> <p>3 A. I don't. He was quiet, he was like</p> <p>4 well -- it was shocking to see him out of character.</p> <p>5 Q. Going back to the one that you saw in the</p> <p>6 yard with the two Mexican guys. When was that?</p> <p>7 A. Must have been within the first four years</p> <p>8 I was there. The first five years I was there. I</p> <p>9 know that it was in the first half. Yeah. And I</p> <p>10 got there in 2008, so we saw anywhere from like 2008</p> <p>11 to 2013. Approximately.</p> <p>12 Q. And what about the one with the laundry</p> <p>13 man, when did that occur?</p> <p>14 A. That actually was within the same</p> <p>15 timeframe too.</p> <p>16 Q. But you don't know when it was?</p> <p>17 A. It was within the same timeframe though.</p> <p>18 Q. I'm just asking you don't know a specific</p> <p>19 year though?</p> <p>20 A. I don't. I guess you can Google Michael</p> <p>21 Armistead in North Branch and it will tell you a</p>

<p style="text-align: right;">Page 142</p> <p>1 specific day.</p> <p>2 Q. Okay. Any other murders at Northern</p> <p>3 Branch other than these two?</p> <p>4 A. The ones I didn't see that cell buddies</p> <p>5 killed each other. Numerous stabbings. I seen one</p> <p>6 time a dude get hit with a fan motor and almost</p> <p>7 knocked his eye ball out of his head in the kitchen.</p> <p>8 Q. Some guy got hit with a fan motor in the</p> <p>9 kitchen?</p> <p>10 A. Yeah, a fan motor in the kitchen. And it</p> <p>11 took the guy's eye almost out of socket. I mean</p> <p>12 people paranoid to sit down and eat every day after</p> <p>13 that for a long time because it was so sneakingly</p> <p>14 done. It just was like -- and the boy ain't never</p> <p>15 seen it coming. Got cracked in the back of his head</p> <p>16 with a fan motor that weigh about four or</p> <p>17 five pounds. It was nasty. It was bad.</p> <p>18 Q. Were you eating at the time?</p> <p>19 A. Yes.</p> <p>20 Q. And how many people were in the hall at</p> <p>21 that point?</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. In a sock?</p> <p>2 A. That's what it looked like was around it.</p> <p>3 Something white. I assume it's -- I don't know. It</p> <p>4 was covered though. It wasn't shiny metal. He had</p> <p>5 something covering it. But he had the cord wrapped</p> <p>6 around his hand. So yeah.</p> <p>7 Q. All right. So he was using it like a</p> <p>8 blunt force object?</p> <p>9 A. Right, yeah.</p> <p>10 Q. Okay. Any other murders that you</p> <p>11 observed?</p> <p>12 A. Not that I can recall.</p> <p>13 Q. Okay. Then at MCIJ, did you observe any</p> <p>14 violence while you were there?</p> <p>15 A. Yeah. During Covid specifically one</p> <p>16 extreme gang knife fight that seemed like it lasted</p> <p>17 forever in the dorm. That wasn't a dorm, they --</p> <p>18 because of Covid, they had to turn our building into</p> <p>19 a quarantine building where I slept. So they</p> <p>20 converted the whole gym into a dormitory. And in</p> <p>21 that time, in that dormitory, two gangs got into it</p>
<p style="text-align: right;">Page 143</p> <p>1 A. I don't know because they was like -- I</p> <p>2 was still in the line and there was still peopling</p> <p>3 sitting down. So it was constantly still moving. I</p> <p>4 didn't even get to sit down yet.</p> <p>5 Q. So you had gotten your food but you hadn't</p> <p>6 sat down to eat it yet?</p> <p>7 A. I didn't get my food yet. I was in line</p> <p>8 to get my food.</p> <p>9 Q. Where did the fan come from?</p> <p>10 A. From the fans that they sell on</p> <p>11 commissary.</p> <p>12 Q. Like a ceiling fan?</p> <p>13 A. No, your personal fan that got the blade</p> <p>14 hooked to it. He just took it out of the frame, I'm</p> <p>15 assuming, took the blade off of it, and it already</p> <p>16 has a cord to it, now he just got a heavy motor and</p> <p>17 the cord wrapped around his hand.</p> <p>18 Q. I see.</p> <p>19 A. And concealed into a sock.</p> <p>20 Q. How big was the fan motor?</p> <p>21 A. Like this big.</p>	<p style="text-align: right;">Page 145</p> <p>1 and it was an extremely long bloody knife fight that</p> <p>2 seemingly lasts forever.</p> <p>3 Q. How long did it take for the guards to get</p> <p>4 there?</p> <p>5 A. There was guards that was there</p> <p>6 immediately. They just couldn't do nothing. They</p> <p>7 waited for other guards to come. There was at least</p> <p>8 one guard that's in there, but he ain't moving until</p> <p>9 more back up came. And then they was hesitant to</p> <p>10 really do anything because it was all scattered</p> <p>11 around. And they basically yelled stop before they</p> <p>12 get involved, stop, stop, stop, stop. And then they</p> <p>13 start spraying mace. So, yeah.</p> <p>14 Q. Did mace disperse the fight or stop it?</p> <p>15 A. It did. It did.</p> <p>16 Q. How long did it take until the mace was</p> <p>17 deployed?</p> <p>18 A. I would say from the time that they got</p> <p>19 there, they might have yelled stop for about a good</p> <p>20 minute, 60 seconds, maybe a little longer, stop,</p> <p>21 stop, stop, before they start deploying the mace.</p>

<p style="text-align: right;">Page 146</p> <p>1 Q. How long had the fight been going on</p> <p>2 before that happened?</p> <p>3 A. A good four minutes. And that seemed like</p> <p>4 forever just watching people stabbing each other.</p> <p>5 Good four, five minutes.</p> <p>6 Q. To your knowledge did anybody die?</p> <p>7 A. Nobody died. Nobody died.</p> <p>8 Q. Were you -- were you a physical victim of</p> <p>9 that fight?</p> <p>10 A. No, I wasn't. But once again I got cut in</p> <p>11 my sleep. So just stuff like that. Just made it</p> <p>12 mentally hard for me to be around, especially in</p> <p>13 open areas like that. So it just -- the mental</p> <p>14 effect of all that just was a lot. Still affected</p> <p>15 to the day.</p> <p>16 Q. So let's -- okay. So that's going to be</p> <p>17 my next set of questions has to do with your mental</p> <p>18 and emotional distress. For the first facility, so</p> <p>19 Jessup, could you describe the -- your emotional and</p> <p>20 mental distress that you experienced while you were</p> <p>21 there?</p>	<p style="text-align: right;">Page 148</p> <p>1 A. It was heightened by the -- by the</p> <p>2 constant aggressive nature of the environment. How</p> <p>3 anything can happen for any small reason. How it</p> <p>4 seems like a lot of these guys shouldn't even be in</p> <p>5 prison but put away in mental institutions. What I</p> <p>6 realized is that that's not happening. The mental</p> <p>7 institution is prison. So you got full fledged</p> <p>8 psychos walking around that don't -- that seemingly</p> <p>9 shouldn't be walking around. You know, people</p> <p>10 trying to rehabilitate and things, because they</p> <p>11 can't be rehabilitated. They are mentally messed</p> <p>12 up, running around prison savagely.</p> <p>13 Q. So you were around a number of individuals</p> <p>14 who needed mental health treatment, is that fair to</p> <p>15 say?</p> <p>16 A. Absolutely. Then I realize -- that too, I</p> <p>17 learned that, that that's what was happening. There</p> <p>18 is no -- it's once they label you criminal, there</p> <p>19 ain't no psychological evaluations for your mental</p> <p>20 state, you're going to prison, regardless of what</p> <p>21 you do. So them people that needs mental health</p>
<p style="text-align: right;">Page 147</p> <p>1 A. I came in with mental distress, came in</p> <p>2 with it the day that they said guilty. So I was</p> <p>3 already a little off from that, from guilty to</p> <p>4 walking in there. And then seeing how prison is. I</p> <p>5 never been in prison before. Seeing how it was and</p> <p>6 how people are in maximum security prison at least.</p> <p>7 Because it was different in medium I noticed when I</p> <p>8 finally got there 19 years later, that they two</p> <p>9 different leagues of being incarcerated.</p> <p>10 Q. Just a follow-up question. You're talking</p> <p>11 about the difference between max and medium</p> <p>12 security?</p> <p>13 A. Yeah, there is a big difference.</p> <p>14 Q. Sorry, I didn't mean to interrupt you.</p> <p>15 So, again, you're at the initial facility, your</p> <p>16 mental and emotional distress there. So after --</p> <p>17 you talked about I guess the initial distressed you</p> <p>18 experienced while you were entering?</p> <p>19 A. Right.</p> <p>20 Q. So if you could describe what the stress</p> <p>21 was once you were physically there?</p>	<p style="text-align: right;">Page 149</p> <p>1 treatment are right there around you. They putting</p> <p>2 them in the cell with you because you don't choose</p> <p>3 cell buddies. We can talk about that, the many</p> <p>4 deranged cell buddies I had that was forced upon me.</p> <p>5 Q. Mr. Thomas, it's important you listen to</p> <p>6 the question that I ask you.</p> <p>7 MR. BALLENGER: I object. I think he was</p> <p>8 answering it very well. You asked him what</p> <p>9 psychological -- excuse me, you asked him what</p> <p>10 psychological experiences he had. You gave him</p> <p>11 a wide open question and he's giving you a wide</p> <p>12 open answer.</p> <p>13 MS. GOO: And I didn't interrupt him, I'm</p> <p>14 just trying to ask follow-up questions.</p> <p>15 MR. BALLENGER: You did. That's what I'm</p> <p>16 saying.</p> <p>17 Q. Mr. Thomas, you started talking about your</p> <p>18 deranged roommates. So my question to you in terms</p> <p>19 of your experience, this is the follow-up question</p> <p>20 to that, how did being around persons who needed</p> <p>21 mental health treatment affect you emotionally and</p>

<p style="text-align: right;">Page 150</p> <p>1 psychologically?</p> <p>2 A. It made me have to work overtime on my</p> <p>3 survival skills. It make me have to adapt, have to</p> <p>4 find different methodologies and not to piss</p> <p>5 somebody off or not. Or to be some type of</p> <p>6 psychiatrist to their issues or anything to survive</p> <p>7 the moments. Constantly, constantly. You got to</p> <p>8 keep going changing your way of being to be around</p> <p>9 certain people. You can't be one way, you got to be</p> <p>10 adaptive to survive. I was constantly for 20 years</p> <p>11 in survival mode because I wanted to come home. I</p> <p>12 didn't want to end up getting killed or having to</p> <p>13 hurt somebody. And to be able to do that, I had to</p> <p>14 keep on changing the way I think and the way I got</p> <p>15 to be around certain people, all the time.</p> <p>16 Q. Okay. Now, I asked you that question as</p> <p>17 it related to the first facility you were at. Is</p> <p>18 that the same experience that you had with all four</p> <p>19 institutions you were in?</p> <p>20 A. Through all four institutions. At best</p> <p>21 was toned down slightly at medium security.</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. What about Northern Branch?</p> <p>2 A. Northern Branch was crack me. That did</p> <p>3 it. That was the worst experience by a landslide in</p> <p>4 my life. Like I never experienced -- I experienced</p> <p>5 systemic racism like with what George Vigue did to</p> <p>6 me in a system where they take people like me and</p> <p>7 victimize them and give them charges that they know</p> <p>8 that they didn't do. And that's -- that's systemic,</p> <p>9 it's just the system picking on a nobody. But when</p> <p>10 you talking about outright racism that I felt and I</p> <p>11 experienced out in North Branch, that was a whole</p> <p>12 different experience.</p> <p>13 Q. Okay. So if you could describe that for</p> <p>14 me?</p> <p>15 A. Like I said, they broke every rule. Like</p> <p>16 they not only do things like not feed you, there was</p> <p>17 times they took my showers for a month. There was</p> <p>18 times when they called me nigger. Like that was a</p> <p>19 regular word to say. There was times when I watched</p> <p>20 them, even though the police did kill people in</p> <p>21 North Branch, I never witnessed that, but I</p>
<p style="text-align: right;">Page 151</p> <p>1 Q. Okay. So it wasn't as bad but it was</p> <p>2 still there?</p> <p>3 A. Yeah, it was still there.</p> <p>4 Q. Okay. Now, is there anything else that</p> <p>5 you want to add to your answer about mental or</p> <p>6 emotional distress as to just Jessup first?</p> <p>7 A. I mean I gave you a -- that -- that answer</p> <p>8 I gave you is for my experience in its totality. I</p> <p>9 never -- that was constant. That was -- I had to be</p> <p>10 like that. And it's hard to do that and focus on --</p> <p>11 I had to learn law. I have to -- I had to -- it was</p> <p>12 too much, it was a mental overload. And I'm not --</p> <p>13 I still suffer from the things to today because of</p> <p>14 how much I had to stretch my brain around survival</p> <p>15 mode in prison.</p> <p>16 Q. Now, at the Annex, is there anything that</p> <p>17 you want to add to that answer about emotional or</p> <p>18 mental distress?</p> <p>19 A. I think I did.</p> <p>20 Q. Based off of what you just said?</p> <p>21 A. Yes.</p>	<p style="text-align: right;">Page 153</p> <p>1 witnessed them try.</p> <p>2 Q. How?</p> <p>3 A. All right. A guy -- I watched them going</p> <p>4 into -- because at North Branch, they had toys. I</p> <p>5 call them toys because that's how they played with</p> <p>6 them. Like shock shields. I never seen a shock</p> <p>7 shield before I went to North Branch. I seen them</p> <p>8 use every weapon that I never seen before on people.</p> <p>9 Q. What is a shock shield?</p> <p>10 A. It's a shield that they will run down on</p> <p>11 you with and as soon as it touch you you shocked.</p> <p>12 Q. So it has an electrical shock to it?</p> <p>13 A. Yeah, it's an electric shock shield. I</p> <p>14 seen them bean bag, look like a grenade launcher. I</p> <p>15 have seen them use that on people. I seen them use</p> <p>16 every weapon I never seen in no other prison I seen</p> <p>17 them use on us, in one way or another. And it seems</p> <p>18 like their mace was on steroids. Like they could</p> <p>19 spray that thing a half -- over another ten and it</p> <p>20 swings through your cell and choke you out. Like</p> <p>21 what the hell, that is that. Insane, make you throw</p>

<p style="text-align: right;">Page 154</p> <p>1 up and all that. It was different there. And there</p> <p>2 was -- and there was -- it wasn't no rank. Meaning</p> <p>3 that if a CO1 say something, the Sergeant went with</p> <p>4 it, the Lieutenant went with it, all the way up.</p> <p>5 And it was like DOC didn't even exist, like because</p> <p>6 Reisterstown wasn't -- you wasn't ARP's, they never</p> <p>7 made it there. In order to write them up, you had</p> <p>8 to send the ARP home. You had to do this in a</p> <p>9 timely fashion.</p> <p>10 Q. So let me ask a quick question before you</p> <p>11 keep going. What is an ARP?</p> <p>12 A. A write-up. Like you want to report</p> <p>13 something that they are doing, it's called -- what's</p> <p>14 the abbreviation for the ARP, you all know? I</p> <p>15 forgot.</p> <p>16 MR. NATHANS: I believe he's talking about</p> <p>17 when an inmate is reporting violence by a guard</p> <p>18 or something.</p> <p>19 A. Or anything. Anything. Any mistreatment.</p> <p>20 Q. It doesn't matter what ARP is, I just want</p> <p>21 to make sure I understand what an ARP is?</p>	<p style="text-align: right;">Page 156</p> <p>1 just -- I could just go story after story. The more</p> <p>2 I think about it the more stories just keep on</p> <p>3 popping up to me. Real incidents, documented</p> <p>4 incidents that happened. They had to move a lot of</p> <p>5 people out of jail for that incident alone just to</p> <p>6 stop a war from happening. This is what I</p> <p>7 experienced at North Branch, outright blatant racism</p> <p>8 on ten. Them putting their boots on our necks, not</p> <p>9 giving us our rights, like not feeding us, using</p> <p>10 food as disciplinary. The only thing they do, they</p> <p>11 used to make a big thing they called sag food where</p> <p>12 they used food as a punishment when that's -- that's</p> <p>13 a violation of -- you can't use food as punishment.</p> <p>14 That's a Constitutional right for prison, you can't</p> <p>15 do it. But they did.</p> <p>16 Q. So what was the sag food?</p> <p>17 A. It was called a sag loaf.</p> <p>18 Q. What was it?</p> <p>19 A. It was some type of -- I don't know if it</p> <p>20 was a potato at its base, but they put like greens</p> <p>21 and maybe mac and cheese or some type of meat, some</p>
<p style="text-align: right;">Page 155</p> <p>1 A. Yeah, yeah. So that -- you know that</p> <p>2 process was stolen from you because you give it to</p> <p>3 them because they got to sign it. Some CO got to</p> <p>4 sign it and take it and go through the process. It</p> <p>5 never happens. Never.</p> <p>6 Q. So you faced difficulty with trying to</p> <p>7 complain about any of the correctional officers?</p> <p>8 A. Absolutely. Absolutely.</p> <p>9 Q. Officers, sorry.</p> <p>10 A. Absolutely. And they did things like --</p> <p>11 there was one time it was an Arian nation guy and</p> <p>12 they were somehow beefing with the BGF some type of</p> <p>13 way on lock-up. And how does this happen on</p> <p>14 lock-up. The guy -- the black guy comes out in</p> <p>15 handcuffs, in three pieces, how you got to go to the</p> <p>16 shower. The white guy comes out with no handcuffs</p> <p>17 and a knife and stabs him. How does that happen on</p> <p>18 lock-up. This is a real incident.</p> <p>19 Q. Is that something that you saw?</p> <p>20 A. Yeah, this is something I saw. How does</p> <p>21 that happen on lock-up. That's crazy. But it's</p>	<p style="text-align: right;">Page 157</p> <p>1 type of slop all together and say there you go.</p> <p>2 Like that's nutritious enough for you and say that</p> <p>3 was like legal for them to do. When come to find</p> <p>4 out, no, you can not at no point use food as</p> <p>5 punishment in prison. But they did it regularly</p> <p>6 though for anything they didn't like that you did.</p> <p>7 Q. So this punishment with food, was that</p> <p>8 something you only experienced at Jessup?</p> <p>9 A. That's only North Branch Correctional.</p> <p>10 Q. Sorry, North Branch.</p> <p>11 A. I never seen nothing like that at Jessup.</p> <p>12 Q. Anything else that you want to mention</p> <p>13 about Northern Branch before I move to the next one.</p> <p>14 A. That's it.</p> <p>15 Q. And the last one is MCIJ. Is there</p> <p>16 anything else that you want to add in terms of your</p> <p>17 mental and emotional stress that you haven't already</p> <p>18 mentioned?</p> <p>19 A. MCIJ I wasn't there for too long because</p> <p>20 Covid hit and we were pretty much locked down and</p> <p>21 movement was restricted. And that -- one of the</p>

<p style="text-align: right;">Page 158</p> <p>1 biggest things I seen was that whole thing in the 2 dorm. 3 Q. The knife fight? 4 A. Yeah. Then I went home. 5 Q. Did you ever witness any hangings while 6 you were there? 7 A. No, I didn't witness. 8 Q. Any of the facilities? 9 A. No. 10 Q. While you were -- I'll go facility by 11 facility. My question has to do with what if any 12 educational vocational courses did you take. What 13 if anything did you take while you were at the first 14 facility, Jessup? 15 A. I got my GED in the first facility. 16 Q. What about at the Annex? 17 A. They didn't -- that prison didn't provide 18 you with further. They gave out a math and a 19 psychology class which gave you some type of 20 credits. I took the psychology but, you know it 21 wasn't like furthering your education, it was more</p>	<p style="text-align: right;">Page 160</p> <p>1 (Off the record colloquy.) 2 VIDEOGRAPHER: We're back on the record. 3 The time is 12:50 p.m. This is media number 4 three. 5 BY MS. GOO: 6 Q. Mr. Thomas, what if any infractions did 7 you receive while you were within the DOC? 8 A. Well, I know throughout my whole 9 incarceration I had three infractions so it ain't 10 hard to remember. 11 Q. What were they? 12 A. The time when the guy attacked me, they 13 don't consider that an attack, they consider that a 14 fight. That one. They charged with me a weapon 15 that was in my cell. And one other infraction, I 16 know -- Oh, North Branch. They lied and said a 17 lollipop that they sold off commissary had drugs in 18 it. Oh, my God. I forgot. How did I forget that. 19 Q. Do you remember the years of these 20 infractions? 21 A. I don't.</p>
<p style="text-align: right;">Page 159</p> <p>1 like a program than anything else. 2 Q. What about at Northern Branch, did you 3 have any programs? 4 A. The programming -- their racism on my 5 black -- on me. That's the program that I had. 6 Q. And what about at MCIJ? 7 A. No. 8 Q. Okay. 9 MS. GOO: We okay to go for another half 10 hour? 11 MR. BALLENGER: I could probably take a 12 break if you're going to go that much longer. 13 MS. GOO: Can we go for about like maybe 14 ten minutes and see where we are. 15 MR. BALLENGER: Yeah, I can probably last 16 ten minutes. 17 MS. GOO: I mean we can take a break now 18 if that's easier. 19 MR. BALLENGER: I would prefer. 20 VIDEOGRAPHER: We're going off the record. 21 The time is 12:38 p.m.</p>	<p style="text-align: right;">Page 161</p> <p>1 Q. And you think it's -- and your 2 recollection is it's just those three? 3 A. I know it's just them three. 4 Q. So do you recall receiving some discipline 5 or infraction for possession of a cell phone in 6 October of 2006? 7 A. No. 8 (Deposition Exhibit 4 marked.) 9 Q. So at the very -- if I could just direct 10 your attention to the first page? 11 MR. BALLENGER: She is directing your 12 attention to the first page. 13 A. Yeah. 14 Q. Okay. So at the top it says name, Melvin 15 Thomas. Do you see that? 16 A. I see that. 17 Q. And it says the date of violation there is 18 September 26, 2006? 19 A. Uh-huh. 20 Q. And at the section below there is like a 21 chart there with rule numbers and it says not</p>

<p style="text-align: right;">Page 162</p> <p>1 guilty, no plea guilty. Do you see that on the</p> <p>2 first page?</p> <p>3 A. I see it.</p> <p>4 Q. You see that the Rule 110, the check is</p> <p>5 next to guilty?</p> <p>6 A. I see it.</p> <p>7 Q. And the one next to the 406 is also</p> <p>8 guilty?</p> <p>9 A. Yeah, I see it.</p> <p>10 Q. And next to 120 it says not guilty. Do</p> <p>11 you see that?</p> <p>12 A. I do.</p> <p>13 Q. And the Rule 102 is an admission of</p> <p>14 possession of contraband; is that right?</p> <p>15 A. According to the paper, yeah.</p> <p>16 Q. I'm sorry.</p> <p>17 A. According to the paper.</p> <p>18 Q. Was that -- do you recall that being</p> <p>19 admission to contraband?</p> <p>20 A. What's the question again? Rule 10 what?</p> <p>21 MR. BALLENGER: Do you know what Rule 102</p>	<p style="text-align: right;">Page 164</p> <p>1 search of a person, area or location. So were you</p> <p>2 found guilty of committing an assault?</p> <p>3 A. Yeah. We both was found guilty.</p> <p>4 Q. All right. And also Rule 312 which was</p> <p>5 interfering with the search of a person, area or</p> <p>6 location?</p> <p>7 A. I don't know what that rule is. I don't</p> <p>8 know. I don't even know how a search of something</p> <p>9 is even -- I don't know how --</p> <p>10 MR. BALLENGER: You answered. You</p> <p>11 answered.</p> <p>12 Q. And you received a 60 day penalty for</p> <p>13 that?</p> <p>14 A. Yeah, if that's what they say.</p> <p>15 Q. All right. Now, November 9th, 2011, this</p> <p>16 was the lollipop infraction. This is at Northern</p> <p>17 Brach?</p> <p>18 A. Yes.</p> <p>19 Q. Showing you Exhibit 6.</p> <p>20 (Deposition Exhibit 6 marked.)</p> <p>21 Q. If I could direct your attention just to</p>
<p style="text-align: right;">Page 163</p> <p>1 is?</p> <p>2 A. No.</p> <p>3 Q. Were you in possession of contraband.</p> <p>4 Were you found guilty of possession of contraband?</p> <p>5 A. Yeah, I was found guilty of possession.</p> <p>6 Q. All right. Now, in August -- you</p> <p>7 mentioned a fight that you were involved in?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And you said you just didn't</p> <p>10 remember the date of that?</p> <p>11 A. I did.</p> <p>12 Q. And do you remember who you were in the</p> <p>13 fight with?</p> <p>14 A. I don't remember his name, no.</p> <p>15 Q. Do you recall it being Damon Atkinson?</p> <p>16 A. Damon, that sounds familiar to me.</p> <p>17 Q. And there was an admission to -- actually</p> <p>18 showing you Exhibit 5.</p> <p>19 (Deposition Exhibit 5 marked.)</p> <p>20 Q. And you would agree that you were found</p> <p>21 guilty of committing assault and interfering with a</p>	<p style="text-align: right;">Page 165</p> <p>1 the first page. It says incident description, do</p> <p>2 you see that?</p> <p>3 A. Yeah.</p> <p>4 Q. And would you agree that the record says</p> <p>5 that "on November 9, 2011 Officer A. Platter CO2</p> <p>6 brought me, Lieutenant Jake Coleman, one homemade</p> <p>7 lollipop that was red and white in color with a</p> <p>8 plastic spoon for a handle, to have tested for</p> <p>9 suboxone. Using the DTX's instant Buprenorphine</p> <p>10 test strip, the lollipop tested positive for</p> <p>11 suboxone." The report reads that, correct?</p> <p>12 A. That was a lie.</p> <p>13 Q. How do you know it was a lie?</p> <p>14 A. Because what was that, two years later,</p> <p>15 the officer -- I knew it was a lie. There was no</p> <p>16 drugs in the lollipop, one. And the officer who</p> <p>17 said that she found it, she apologized to me for it.</p> <p>18 There was no test done. Wasn't no -- she apologized</p> <p>19 for that. It took her years to do it but she did</p> <p>20 it. That's her name there. Yeah.</p> <p>21 Q. You would agree that the report reads that</p>

<p style="text-align: right;">Page 166</p> <p>1 an instant test was done, correct?</p> <p>2 A. That's what the report says. But you</p> <p>3 heard what I said though, right.</p> <p>4 (Deposition Exhibit 7 marked.)</p> <p>5 Q. And do you recall on September the 4th,</p> <p>6 2012 receiving an informal resolution, ten day cell</p> <p>7 restriction, for entering a location without</p> <p>8 authorization and/or leaving an assigned location</p> <p>9 without authorization?</p> <p>10 A. I don't recall.</p> <p>11 Q. Showing you Exhibit 7. Okay. So in</p> <p>12 Exhibit 7 do you recall essentially being outside of</p> <p>13 your cell when you weren't supposed to be and</p> <p>14 receiving an informal resolution for that?</p> <p>15 A. I don't recall.</p> <p>16 Q. Okay. You would agree with me that's what</p> <p>17 this exhibit says?</p> <p>18 A. That's what it says.</p> <p>19 Q. And you received two more of those</p> <p>20 entering locations without authorization in 2013 on</p> <p>21 May 26th and May 29th?</p>	<p style="text-align: right;">Page 168</p> <p>1 a --</p> <p>2 MR. BALLENGER: Sprint.</p> <p>3 A. A sprint, full out sprint and catch up.</p> <p>4 I'm not doing that. You going to keep on</p> <p>5 humiliating and demeaning me.</p> <p>6 Q. You had other additional infractions; is</p> <p>7 that correct, after that?</p> <p>8 MR. BALLENGER: At North Branch?</p> <p>9 A. At North Branch?</p> <p>10 Q. At North Branch, yes.</p> <p>11 A. I'm sure.</p> <p>12 Q. Do you recall on June 10th, 2018 receiving</p> <p>13 discipline for possessing alcohol. I'm sorry, hold</p> <p>14 on, let me make sure I get this right. Yes,</p> <p>15 possession or use of alcohol without authorization?</p> <p>16 A. I don't. But, you know, they say I did.</p> <p>17 (Deposition Exhibit 10 marked.)</p> <p>18 Q. Showing you Exhibit 10.</p> <p>19 A. What happened with that? Another informal</p> <p>20 deposition. No lock up time, no nothing. That -- I</p> <p>21 went on no segregation for none of this stuff you're</p>
<p style="text-align: right;">Page 167</p> <p>1 A. Where was I in 2013? North Branch. I'm</p> <p>2 sure.</p> <p>3 Q. So on May 26, 2013 you were at Northern</p> <p>4 Branch and you were outside of an area you weren't</p> <p>5 supposed to be?</p> <p>6 A. If they said it. You know how that goes.</p> <p>7 Q. Showing you Exhibit 8.</p> <p>8 (Deposition Exhibit 8 marked.)</p> <p>9 Q. So you would agree that the report says</p> <p>10 that on May 26th you were entering a location</p> <p>11 without authorization, correct?</p> <p>12 A. That's what the report says.</p> <p>13 Q. And the same thing three days later on</p> <p>14 May 29th?</p> <p>15 A. What is this, a formal deposition again?</p> <p>16 Q. So on May 29th of 2013 you accepted --</p> <p>17 thereabouts you accepted an informal resolution?</p> <p>18 (Deposition Exhibit 9 marked.)</p> <p>19 A. What they used to do is like we animals,</p> <p>20 try to close doors fast, we might be coming out the</p> <p>21 shower or the day room, and expect me to haul -- do</p>	<p style="text-align: right;">Page 169</p> <p>1 bringing up.</p> <p>2 Q. Mr. Thomas, I'm going to ask that you turn</p> <p>3 to page three of this document. It's titled</p> <p>4 Admission of Substance Use, in Exhibit 10?</p> <p>5 A. In this.</p> <p>6 Q. Do you see in the upper left-hand corner,</p> <p>7 it says inmate name, Melvin Thomas. Do you see</p> <p>8 that?</p> <p>9 A. I see it.</p> <p>10 Q. And at the bottom there is a signature</p> <p>11 that says inmate's signature. That's your</p> <p>12 signature?</p> <p>13 A. Look like it.</p> <p>14 Q. And the paragraph above it says "I admit</p> <p>15 that I used a substance for which I had tested</p> <p>16 positive as reflected above. I understand that</p> <p>17 because I admitted to using the substance, a GCMS</p> <p>18 confirmation test will not be conducted. I will</p> <p>19 accept the sanction to be imposed by the Division of</p> <p>20 Correction as a result of my truthful admission of</p> <p>21 substance abuse." And you signed that on June 10,</p>

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<p>1 2018; is that correct?</p> <p>2 A. That's what it look like.</p> <p>3 Q. And you admitted to possessing, I believe</p> <p>4 you said it was a weapon, in October of -- but you</p> <p>5 didn't remember the date; is that right?</p> <p>6 A. That's right.</p> <p>7 Q. Showing you Exhibit 11.</p> <p>8 (Deposition Exhibit 11 marked.)</p> <p>9 Q. And if you could turn to the third page,</p> <p>10 which is titled Inmate Waiver of Appearance with a</p> <p>11 Plea Agreement?</p> <p>12 A. What is this? For what?</p> <p>13 Q. So do you see that page, Inmate Waiver of</p> <p>14 Appearance with a Plea Agreement?</p> <p>15 A. What, the knife?</p> <p>16 Q. I'm asking you, are you on that page?</p> <p>17 A. What page?</p> <p>18 Q. The third page that says Inmate Waiver of</p> <p>19 Appearance with a Plea Agreement?</p> <p>20 A. Okay. What you want me to see?</p> <p>21 Q. I'm asking you to turn to that page, it's</p>	<p>1 A. I did.</p> <p>2 Q. And you also pled guilty to using</p> <p>3 Buprenorphine while you were in jail?</p> <p>4 A. You said they said I pled guilty to that?</p> <p>5 Q. Yes. Did you.</p> <p>6 A. I don't recall.</p> <p>7 Q. Showing you Exhibit 12.</p> <p>8 (Deposition Exhibit 12 marked.)</p> <p>9 A. What page did you want me to look at.</p> <p>10 Q. If you could turn to page -- page four,</p> <p>11 keeping in mind it's double sided. It's titled</p> <p>12 Affidavit for Admission of Substance Abuse. It's</p> <p>13 this page here?</p> <p>14 A. Okay.</p> <p>15 Q. Okay. So at the top you see it says</p> <p>16 Melvin Thomas?</p> <p>17 A. Yes.</p> <p>18 Q. And date collected, November 11, 2019.</p> <p>19 And the screening test results say Buprenorphine?</p> <p>20 A. I see it.</p> <p>21 Q. So you admitted to the positive result of</p>
Page 171	Page 173
<p>1 this third page?</p> <p>2 A. Okay.</p> <p>3 Q. Okay. So it says here inmate, Melvin</p> <p>4 Thomas. Do you see that at the top?</p> <p>5 A. I do.</p> <p>6 Q. And it says "the subject inmate informed</p> <p>7 me that they wished to waive an appearance before</p> <p>8 the hearing officer and accept a plea agreement in</p> <p>9 the case pleading guilty." Do you see that?</p> <p>10 A. I do.</p> <p>11 Q. Okay. And this is for -- the date of this</p> <p>12 report was October 22nd, 2019. Do you see that?</p> <p>13 A. Okay. I see.</p> <p>14 Q. Okay. So if you could turn to the</p> <p>15 fifth page, which is the next page after that. And</p> <p>16 you see a description of the notice of the rule</p> <p>17 violation which occurred on October 22nd, 2019. Do</p> <p>18 you see that?</p> <p>19 A. I see it.</p> <p>20 Q. Okay. So you pled guilty to the</p> <p>21 possession of the weapon offense?</p>	<p>1 Buprenorphine on November 11th, 2019; is that</p> <p>2 correct?</p> <p>3 A. It said what? It said I admitted?</p> <p>4 Q. It says -- well, first of all let me</p> <p>5 direct your attention to the offender signature. Is</p> <p>6 that your signature at the bottom?</p> <p>7 A. That's my signature.</p> <p>8 Q. Above that it says that you "solemnly,</p> <p>9 under the penalties of perjury, and upon personal</p> <p>10 knowledge that the contents of the foregoing</p> <p>11 affidavit are true". Do you see that? So you're</p> <p>12 agreeing that by signing you're testifying that this</p> <p>13 is truthful?</p> <p>14 A. I don't see it as that.</p> <p>15 Q. I'm sorry.</p> <p>16 A. I don't see it as that.</p> <p>17 Q. Then why did you sign it?</p> <p>18 A. Because he asked me to sign it.</p> <p>19 Q. Okay. And it says, the paragraph above</p> <p>20 that, it says "I understand that I'm entitled to</p> <p>21 have the sample I submitted for testing sent to a</p>

<p style="text-align: right;">Page 174</p> <p>1 laboratory for a second test to confirm the presence 2 of the substance for which I have tested positive. 3 I waive or give up my right to have a confirmation 4 test conducted. I acknowledge that the positive 5 result generated by the initial onsite testing 6 device is accurate and I admit that I used the above 7 substance while under the custody of DPSCS." 8 A. I don't remember this. 9 Q. And that is your signature below though, 10 correct? 11 A. It is. 12 Q. Okay. And did you distribute 13 Buprenorphine or suboxone while you were in jail? 14 A. No. 15 Q. Never discussed selling it at all? 16 A. No. 17 MS. GOO: I think now would be an 18 appropriate time for a lunch break. 19 MR. BALLENGER: Sure. 20 VIDEOGRAPHER: We are going off the 21 record. The time is 1:11 p.m.</p>	<p style="text-align: right;">Page 176</p> <p>1 recall that? 2 A. I recall that. 3 Q. And, again, you have to keep your voice up 4 just a little bit. Thank you. And you said you had 5 not reviewed this motion prior to it being filed 6 with the court; is that right? 7 A. That's correct. 8 Q. I'm showing you Exhibit 13. 9 (Deposition Exhibit 13 marked.) 10 Q. If you could just take a look at that 11 document for a moment. I'm going to direct your 12 attention to the second page, the last paragraph. 13 And it says -- the paragraph starts with "defendant 14 is familiar." Do you see that? 15 A. I do. 16 Q. So it says "defendant is familiar with the 17 individual who shot Mr. Brockington. His name is 18 Charles Floyd. Prior to trial, Mr. Floyd admitted 19 to defendant that he was the shooter." So I'm going 20 to stop there and ask this question. Is that 21 information true?</p>
<p style="text-align: right;">Page 175</p> <p>1 (Off the record colloquy.) 2 VIDEOGRAPHER: We are back on the record. 3 The time is 1:54 p.m. This is media number 4 four. 5 BY MS. GOO: 6 Q. Good afternoon, Mr. Thomas. 7 A. Good afternoon. 8 Q. Mr. Thomas, I just wanted to get some 9 clarification on one -- one fact that -- I don't 10 think I got on the record earlier. Now, your 11 brother, Blake Thomas, you mentioned that he was 12 incarcerated for something about -- prior to your 13 incarceration; is that right? 14 A. That's right. 15 Q. Okay. At the time of the Myron 16 Brockington's shooting, was he in jail or on the 17 street at that point? 18 A. He was on the street at that point. 19 Q. He was on the street at that point. Okay. 20 Now, we had discussed the motion for new trial that 21 was filed on your behalf by Lyle Jones. Do you</p>	<p style="text-align: right;">Page 177</p> <p>1 A. That is not true. 2 Q. That is not true? 3 A. No. 4 Q. Okay. And then going forward it says, 5 "defendant, knowing Mr. Floyd's violent nature, 6 believed that disclosure of the information would 7 bring retribution for himself and possibly his loved 8 ones in the form of serious bodily harm or death." 9 Is that sentence true or false? 10 A. That's false also. 11 Q. Now, you mentioned that you used the jail 12 call system to contact loved ones while you were in 13 jail; is that correct? 14 A. That's correct. 15 Q. And could you just talk about how the call 16 system works. Like walk us logistically what 17 happens if you needed to make a phone call? 18 A. You get the phone. You -- I believe that 19 you punch in your I.D. number or something like 20 that, and you dial the person's number that's on 21 your phone list.</p>

<p style="text-align: right;">Page 178</p> <p>1 Q. But you have to put an I.D. number in 2 first? 3 A. I believe so, yes. 4 Q. Okay. Now, was the I.D. number that you 5 put in your own I.D. number or could you use any 6 I.D. number? 7 A. I don't understand the question. 8 Q. I'm sorry. 9 A. I don't understand your question. 10 Q. So you have to put in an I.D. number to 11 make a call? 12 A. Right. 13 Q. And the number that you use to make a 14 phone call that you put in, is that supposed to be 15 your I.D. number or could you use anybody else's 16 I.D. numbers? 17 A. What you mean by use anybody else's. Only 18 way you're able to use somebody else's is if you 19 have their information. And then on top of that 20 then you have like phone lists, meaning that you can 21 only -- you only required to make phone calls on the</p>	<p style="text-align: right;">Page 180</p> <p>1 numbers on their list. 2 Q. What do you mean by your numbers on their 3 list? 4 A. Like if he got a specific -- I think the 5 limit is like eight numbers that you can call or 6 something like that. I'm not sure. But if you got 7 eight numbers on his list, am I calling his family 8 members or his friends? I don't understand the 9 question. 10 Q. But it's possible if you have that 11 information? 12 A. It's possible, yes. 13 Q. While you were in, did you ever use 14 anybody else's I.D. numbers? 15 A. Yes. 16 Q. You did? 17 A. Yes. 18 Q. Okay. And how often would you use other 19 people's I.D. numbers to make phone calls? 20 A. I don't recall. 21 Q. But you had used it?</p>
<p style="text-align: right;">Page 179</p> <p>1 list of people that's on your list. 2 Q. Okay. So you could use somebody else's -- 3 I just want to make sure I understand it. So if you 4 use somebody else's I.D. number to call, you can 5 only call a set amount of people with that number 6 because it's got to be on a pre-approved list; is 7 that right? 8 A. That's correct. 9 Q. Okay. So you had a certain number of 10 people that you were allowed to call? 11 A. Yes. 12 Q. And if you used somebody else's I.D. 13 number then you would have to know again who 14 specifically is on their list to make that phone 15 call? 16 A. Meaning that who is on their list? 17 Q. So that's my question to you. Could you 18 use somebody else's I.D. number to make a phone 19 call? 20 A. It's possible. You would have to go 21 through knowing their information and having your</p>	<p style="text-align: right;">Page 181</p> <p>1 A. I had done it before. 2 Q. And why did you use someone else's I.D. 3 number to make phone calls? 4 A. Because let's say I called somebody and I 5 want to call them back. And I can't call back to 6 back with my number. But if you didn't use the 7 phone, then I can call them back to back off his 8 number, if you allow me to, and you may have -- a 9 person, that same person that I wanted to call on 10 your list. So that's -- that's the only way 11 possible that that can happen, that I can see. 12 Q. Are those the occasions in which you might 13 have called somebody back to back using another 14 persons I.D. number? 15 A. Those occasions, yeah. 16 Q. Do you recall how many other SID numbers 17 you did use. 18 A. I don't. 19 Q. And do you remember what those numbers 20 were? 21 A. I don't.</p>

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<p>1 Q. Do you recall how many other different</p> <p>2 numbers you used, two, more than five?</p> <p>3 A. I don't.</p> <p>4 Q. Was it a big number, was it a small</p> <p>5 number?</p> <p>6 A. Small number.</p> <p>7 Q. Less than ten?</p> <p>8 A. Yeah, less than ten I'm sure. You saying</p> <p>9 through the span of 20 years?</p> <p>10 Q. Over the span of 20 years.</p> <p>11 A. Yeah, I don't know. I would still</p> <p>12 probably say less than ten.</p> <p>13 Q. So would you ever do it so that you --</p> <p>14 your phone call wouldn't be recorded under your</p> <p>15 name. So a conversation, would you try to avoid</p> <p>16 having a conversation with somebody recorded under</p> <p>17 your name?</p> <p>18 A. No, because there is no -- all phone calls</p> <p>19 are recorded. You can't hide a phone call. They</p> <p>20 say that, regardless whose name you use, all calls</p> <p>21 are being recorded. So there ain't no way to hide a</p>	<p>1 that seems like a perfect opportunity -- this is</p> <p>2 what I believe. I believe that it is -- that Myron</p> <p>3 Brockington was actually sitting next to me in</p> <p>4 court. Like I was free. I wasn't incarcerated, I</p> <p>5 was out on bail. He came and sat next to me with</p> <p>6 his daughter. I didn't know it was him, he did not</p> <p>7 know it was me. The State's Attorney made him --</p> <p>8 got him from stop sitting next to me. He had a</p> <p>9 whole conversation with my daughter's mother. Our</p> <p>10 daughters was the same age. How do I know that,</p> <p>11 because I was listening to the conversation that he</p> <p>12 was having with my -- with my daughter's mother.</p> <p>13 This happened in real-time. So I was looking at</p> <p>14 him. I never seen him before, he never seen me</p> <p>15 before. But to then to go on the stand and point to</p> <p>16 me and say it like he -- like he knew me was strange</p> <p>17 to me. It was always strange. So I'm thinking that</p> <p>18 wherever -- whatever he did, I have to think that he</p> <p>19 was made to do it. I had to think that. Because I</p> <p>20 didn't ever see him before and he didn't ever see me</p> <p>21 before. So why wouldn't I, even -- even after --</p>
Page 183	Page 185
<p>1 phone call.</p> <p>2 Q. But they would have to know what SID</p> <p>3 number to look for, right, if they were looking for</p> <p>4 your calls?</p> <p>5 A. I guess so.</p> <p>6 Q. And it could -- I mean it could be any</p> <p>7 number that you're using, right?</p> <p>8 A. Yes, actually.</p> <p>9 Q. Okay. So -- we talked about this briefly</p> <p>10 but I want to make sure that we're very clear. Did</p> <p>11 you reach out to -- did you reach out to Myron</p> <p>12 Brockington while you were in jail?</p> <p>13 A. Absolutely not.</p> <p>14 Q. Okay. But I think your private</p> <p>15 investigator did reach out to him on your behalf; is</p> <p>16 that right?</p> <p>17 A. He did, yes.</p> <p>18 Q. And why was it so important for you to get</p> <p>19 in touch with Myron Brockington?</p> <p>20 A. Like I said, if after what I heard was</p> <p>21 true that he actually saw the person that shot him,</p>	<p>1 even if I never found out that he seen the shooter,</p> <p>2 I got to believe, I'm trying to be free, that he's</p> <p>3 willing to one day tell the truth.</p> <p>4 Q. And you mentioned that you had heard some</p> <p>5 story about Myron Brockington?</p> <p>6 A. Yeah.</p> <p>7 Q. What was that?</p> <p>8 A. Having interaction with people -- one of</p> <p>9 the people was the guy that shot him in the flea</p> <p>10 market.</p> <p>11 Q. So what did you hear about the situation</p> <p>12 with the flea market?</p> <p>13 A. That one of the guys went to him and said</p> <p>14 like why did you -- why did you do that to Myron,</p> <p>15 like those are good guys, so forth and so on. I</p> <p>16 heard it was a very peaceful conversation. But then</p> <p>17 the guy who allegedly shot, he not going to say</p> <p>18 nothing. To my understanding he did walk up and</p> <p>19 listen to the conversation. So -- and that's the</p> <p>20 extent to the story that I got.</p> <p>21 Q. And who did you hear this from?</p>

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<p>1 A. One of my cousins.</p> <p>2 Q. Which cousin was that?</p> <p>3 A. Tyreke.</p> <p>4 Q. And was Tyreke present when this happened?</p> <p>5 A. Yes.</p> <p>6 Q. So is it the guy that went up to Myron?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Do you know why Tyreke went up to</p> <p>9 Myron that day?</p> <p>10 A. Because I believe that he knew Myron, like</p> <p>11 in some type of way. Seen him before at least. And</p> <p>12 they just happened -- freak coincidence that they</p> <p>13 was in the same place at the same time. And he</p> <p>14 talked to him. And Myron explained to him, to my</p> <p>15 understanding, that that pressure came from the</p> <p>16 police department. And something about his mother</p> <p>17 supposedly, if I got the story right, was telling</p> <p>18 him just go ahead and do what they tell you to do</p> <p>19 type of situation going on there.</p> <p>20 Q. And the person who was allegedly the real</p> <p>21 shooter was also present?</p>	<p>1 that?</p> <p>2 A. It could have been. Not decades, but it</p> <p>3 could have been within the frame of the first ten</p> <p>4 days. Could have been.</p> <p>5 Q. All right.</p> <p>6 A. But I know it was a long time before that</p> <p>7 alleged incident and when I hired a private</p> <p>8 investigator to go talk to him because it was --</p> <p>9 that was -- I just put that on back burner, because</p> <p>10 I already had stuff in court. And I just didn't pay</p> <p>11 it any thought that I could possibly get out without</p> <p>12 even worrying about that.</p> <p>13 Q. When did you decide that you wanted to go</p> <p>14 and look for Mr. Brockington to see if there was any</p> <p>15 truth to this?</p> <p>16 A. After the motion for new trial failed me</p> <p>17 and appeals of that, and I felt as though I don't --</p> <p>18 I don't have too many more options or bites at the</p> <p>19 apple left, I got to try for -- I got to try. I got</p> <p>20 to try to see if he willing to finally give me some</p> <p>21 justice.</p>
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<p>1 A. Yes.</p> <p>2 Q. And was he there -- and this was -- and</p> <p>3 who was that?</p> <p>4 A. Allegedly, Namey.</p> <p>5 Q. Allegedly Namey as in allegedly Namey was</p> <p>6 there or --</p> <p>7 A. Allegedly Namey was there. Allegedly</p> <p>8 Namey was there and he's saying he was the shooter.</p> <p>9 Q. And who is saying that he is the shooter?</p> <p>10 A. I guess Myron.</p> <p>11 Q. And do you recall when that happened?</p> <p>12 A. I don't.</p> <p>13 Q. This thing at the flea market?</p> <p>14 A. I don't even think I heard about it until</p> <p>15 a while after, until somebody came and told me.</p> <p>16 Q. So was it shortly after -- I'm sure you</p> <p>17 don't know the specific day, but do you recall like</p> <p>18 was it when you were -- shortly after you had been</p> <p>19 found guilty, was it --</p> <p>20 A. It was a long time after that.</p> <p>21 Q. Like ten years after that, decades after</p>	<p>1 Q. How did you meet Mr. Wolfe. Like how --</p> <p>2 did you find him or did he find you?</p> <p>3 A. Well, actually he was previously</p> <p>4 incarcerated in -- I think it was exonerated -- an</p> <p>5 individual who started his own private investigating</p> <p>6 and paralegal firm called The Great Injustice. And</p> <p>7 he helped quite a few people get home actually. And</p> <p>8 that's how I got turned on to him by other people</p> <p>9 who could attest to his reliability and his</p> <p>10 professionalism and his investigating tactics.</p> <p>11 Q. So you learned about if from some other</p> <p>12 people?</p> <p>13 A. Yes.</p> <p>14 Q. And how did you hire him. Like did you</p> <p>15 have to have an agreement with him. Like did you --</p> <p>16 how did that go about?</p> <p>17 A. Yeah. Donna actually -- crazy how dots</p> <p>18 connect. She actually did his taxes before or</p> <p>19 something, so she knew him. So that was when --</p> <p>20 when I finally got his number to -- and I gave it to</p> <p>21 her, I told her to reach out to him to see if he</p>

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<p>1 willing to take the case. When she put the number</p> <p>2 in her phone, she see she already had him, had the</p> <p>3 number and knew him. So that was an easy transition</p> <p>4 to getting him hired, because they already had a</p> <p>5 working relationship.</p> <p>6 Q. And did you have to pay a retainer fee for</p> <p>7 him?</p> <p>8 A. Yes.</p> <p>9 Q. And was the agreement for him to find</p> <p>10 specific people or was it just to see if he could</p> <p>11 help you out for whatever period of time that you</p> <p>12 needed him?</p> <p>13 A. The agreement was to help find specific</p> <p>14 people.</p> <p>15 Q. So who were the specific people you asked</p> <p>16 him to find?</p> <p>17 A. I know for sure it was Dewey Morgan and</p> <p>18 Myron Brockington. And -- no, and my -- whoever the</p> <p>19 owner of My Sally's Place because he did interview</p> <p>20 her. And then that's how I found out that there was</p> <p>21 actually footage of that night, that he found that</p>	<p>1 intimate relationship.</p> <p>2 Q. So Myron and Nina were in a relationship</p> <p>3 together?</p> <p>4 A. Yes. I guess it wasn't like that was his</p> <p>5 girlfriend, but they had a thing. And so they</p> <p>6 talked about that type of stuff. And Sally was --</p> <p>7 but Nina was, according to Sally, was scared, like</p> <p>8 very afraid of the whole situation. The fact that</p> <p>9 they trying -- they got not only Myron to do it but</p> <p>10 try to get her to do it and the real guy is out</p> <p>11 there somewhere. That just -- she was totally</p> <p>12 frightened. She didn't even really want to come to</p> <p>13 court or nothing. So there was a lot that I found</p> <p>14 out through his investigations.</p> <p>15 Q. And what is Nina Wilson's aunt's name, the</p> <p>16 owner of Sally's?</p> <p>17 A. Sally.</p> <p>18 Q. Her name is Sally. What is her last name?</p> <p>19 A. I don't know. I don't know.</p> <p>20 Q. And I'm sorry, to be the clear, the</p> <p>21 interview that you received a copy of, was that with</p>
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<p>1 out, because he talked to her. And we found out</p> <p>2 that there was footage that night that the police</p> <p>3 took. And actually I found that out too, that that</p> <p>4 was another thing I found out in my Maryland Public</p> <p>5 Information Act, that there was tapes. And I</p> <p>6 don't -- and I never seen no tapes. I never heard</p> <p>7 of them before that. So My Sally -- he got that</p> <p>8 interview. I got that somewhere. I got that in my</p> <p>9 paperwork, that she said that the police came in</p> <p>10 there, they took her tapes, they -- and -- and her</p> <p>11 niece was Nina Wilson. Her niece was Nina Wilson,</p> <p>12 and -- and she said that it's crazy because the</p> <p>13 police tried to meet her also to pick my picture.</p> <p>14 And I found out that her and Myron was actually</p> <p>15 like -- I found a lot through his investigation,</p> <p>16 that they was actually dealing with each other.</p> <p>17 Q. Who was dealing with each other?</p> <p>18 A. Myron and Nina.</p> <p>19 Q. What do you mean by dealing with each</p> <p>20 other?</p> <p>21 A. Like they had a relationship, a personal</p>	<p>1 Sally that you obtained through the MPIA request?</p> <p>2 A. No.</p> <p>3 Q. It was an interview of who, of Nina?</p> <p>4 A. Repeat that question.</p> <p>5 Q. So you mentioned that there was an</p> <p>6 interview that you obtained through the MPIA request</p> <p>7 for the first time talking about the tapes. Who was</p> <p>8 that interview of?</p> <p>9 A. It wasn't an interview, it was an evidence</p> <p>10 log.</p> <p>11 Q. An evidence log?</p> <p>12 A. Yeah, evidence log.</p> <p>13 Q. Okay. And that's what showed the tapes?</p> <p>14 A. Yes, that's what showed. The evidence log</p> <p>15 showed the tapes.</p> <p>16 Q. Okay. Now, did Wolfe speak with Sally as</p> <p>17 well?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And did he write a report for that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And you have that?</p>

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<p>1 A. Yes.</p> <p>2 Q. Okay. And did he also speak with Nina</p> <p>3 Wilson as well?</p> <p>4 A. No. No, she was not -- never available to</p> <p>5 him.</p> <p>6 Q. And he spoke to Dewey Morgan?</p> <p>7 A. He wasn't able to catch up with him.</p> <p>8 Q. And what about Myron Brockington?</p> <p>9 A. Yeah, he did.</p> <p>10 Q. Did he write a report for -- of his</p> <p>11 conversation with Myron Brockington?</p> <p>12 A. Yes.</p> <p>13 Q. And do you have that. Not physically here</p> <p>14 but do you have that in your possession somewhere?</p> <p>15 A. Yeah, I have it in my possession.</p> <p>16 Q. Are there any other witness statements</p> <p>17 that Wolfe obtained for you?</p> <p>18 A. Sally. Myron. I don't recall off the top</p> <p>19 of my head.</p> <p>20 Q. Okay. Do you know -- did you ever contact</p> <p>21 members of your family or either of your girlfriends</p>	<p>1 something I never forgot.</p> <p>2 Q. Okay. So at this point in time we're</p> <p>3 going to be preparing to play a phone call. This is</p> <p>4 dated -- actually, let me make sure, October 24th,</p> <p>5 2015. It's called D3C218. It is to telephone</p> <p>6 number (240)979-9124?</p> <p>7 MR. BALLENGER: Can you repeat the number</p> <p>8 again.</p> <p>9 MS. GOO: Yes, it's (240)979-9124.</p> <p>10 MR. BALLENGER: And the date.</p> <p>11 MS. GOO: Is October 24th, 2015. And</p> <p>12 we can produce these to you in digital format</p> <p>13 once we're done with this. And we will</p> <p>14 obviously provide plaintiff's counsel with a</p> <p>15 copy as well. But these were previously</p> <p>16 produced in discovery. And Mr. Gruen, if we</p> <p>17 could just play the first minute of the phone</p> <p>18 call.</p> <p>19 AUDIO: Hello. You have a prepaid call.</p> <p>20 You will not be charged for this call. This</p> <p>21 call is from Melvin, an inmate at the Maryland</p>
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<p>1 and have them reach out to someone who was a</p> <p>2 girlfriend or baby momma of Myron Brockington?</p> <p>3 A. No.</p> <p>4 Q. Did you ask anybody to do anything like</p> <p>5 that?</p> <p>6 A. I didn't never know about Myron -- until</p> <p>7 the day I never knew about the existence of her name</p> <p>8 to any -- no significant other. No significance to</p> <p>9 my case.</p> <p>10 Q. Did you know that he had a baby momma or a</p> <p>11 girlfriend?</p> <p>12 A. Of course. I mean he was sitting next to</p> <p>13 me in court with his daughter. And his, I'm</p> <p>14 assuming, baby mother was sitting next to him.</p> <p>15 Q. And when was that court hearing?</p> <p>16 A. Trial.</p> <p>17 Q. That was for the trial in December of</p> <p>18 2001?</p> <p>19 A. For the trial, yes. And I know his</p> <p>20 daughter was two months because he said it. My</p> <p>21 daughter was two months at that time. So that's</p>	<p>1 Correctional Facility. This call will be</p> <p>2 recorded and monitored. If you wish to block</p> <p>3 any future calls of this nature, dial seven</p> <p>4 now. To accept it. Hey. Hey love. Hey, I</p> <p>5 was talking earlier, right, (inaudible) the guy</p> <p>6 apologized. You hear me --</p> <p>7 Q. Can you pause there for a second. Just</p> <p>8 pausing there a second. So there was a male voice</p> <p>9 in the call. Mr. Thomas, do you recognize that</p> <p>10 voice?</p> <p>11 A. I don't. I'm trying to catch on to the</p> <p>12 voice.</p> <p>13 Q. Maybe play a little bit further.</p> <p>14 AUDIO: (inaudible) somebody knew</p> <p>15 (inaudible) messed that up, right, gave you</p> <p>16 (inaudible). Other day he apologized</p> <p>17 (inaudible) I'm good like February but he good</p> <p>18 until April. He said he apologized deeply. He</p> <p>19 was (inaudible) the other day, he (inaudible)</p> <p>20 apologize himself, right. Yeah, Blake tried</p> <p>21 the number today, (inaudible).</p>

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<p>1 Q. Pause it for a second. Do you recognize</p> <p>2 the voice?</p> <p>3 A. That's my mother. That sounds like my</p> <p>4 mother.</p> <p>5 Q. And do you recognize the male voice?</p> <p>6 A. I don't.</p> <p>7 Q. Okay. At the beginning of the call, when</p> <p>8 we first began the call and it said "this is a call</p> <p>9 from Melvin"?</p> <p>10 A. Right.</p> <p>11 Q. Is that you?</p> <p>12 A. That's me, yes.</p> <p>13 Q. So that's you speaking on the call?</p> <p>14 A. Yes.</p> <p>15 MR. BALLENGER: Well, just be careful</p> <p>16 here. I thought you were asking him did he</p> <p>17 recognize the male voice that was talking. The</p> <p>18 first part is just a recording. I've been</p> <p>19 listening to a lot of these phone calls. Just</p> <p>20 Melvin. So I'm not sure what your question is</p> <p>21 asking. Are you talking about the Melvin or</p>	<p>1 I (inaudible)see what happens. (inaudible)</p> <p>2 check back on that girl, see if she out yet.</p> <p>3 The girl that he bailed out, you know she know</p> <p>4 where he at. You understand what I'm saying.</p> <p>5 Remember her. (inaudible) Yeah, his</p> <p>6 girlfriend. His baby mother I mean. That's</p> <p>7 the baby mother. He got (inaudible)</p> <p>8 (inaudible). We don't know that. All we</p> <p>9 know --</p> <p>10 Q. Okay. So in the first part of that call,</p> <p>11 again, the male voice which you recognize as your</p> <p>12 voice?</p> <p>13 A. Yeah.</p> <p>14 Q. It says "I'm about to ask Donna to check</p> <p>15 back on that girl and see if she out yet. The girl</p> <p>16 that he bailed out because she knows where he at.</p> <p>17 Understand what I'm saying. Remember her, his</p> <p>18 girlfriend, his baby mother. I mean, yeah, that's</p> <p>19 his baby mother, she got a child by him." And then</p> <p>20 I believe it's your mother says, "is he still with</p> <p>21 her." Is that an accurate representation of the</p>
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<p>1 are you talking about the subsequent colloquy.</p> <p>2 MS. GOO: The Melvin and then the</p> <p>3 subsequent colloquy.</p> <p>4 Q. So the Melvin is you, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Now, in the phone call, the male</p> <p>7 voice that's speaking, that is you speaking, right?</p> <p>8 A. Yes.</p> <p>9 MR. BALLENGER: . Okay.</p> <p>10 Q. And there is a reference to a Blake on the</p> <p>11 call as well, did you hear that?</p> <p>12 A. Yes.</p> <p>13 Q. So that's talking about your brother,</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. Can we advance this to starting at 21:50</p> <p>17 of the phone call, please?</p> <p>18 MR. GRUEN: Close as I can get is 21:36.</p> <p>19 MS. GOO: 21:36 that's fine. Thank you.</p> <p>20 AUDIO: Ain't no (inaudible). Bring some</p> <p>21 tape. Understand what I'm saying. That's what</p>	<p>1 audio that was played?</p> <p>2 A. That's what it sounded like, yes.</p> <p>3 MS. GOO: Okay. Keep going, please.</p> <p>4 AUDIO: He bailed out, (inaudible) with</p> <p>5 her or not. That's impossible to know. That's</p> <p>6 impossible to know. We do know he bailed out</p> <p>7 recently (inaudible) locked up. So what we</p> <p>8 going to do is -- what we going to do is find</p> <p>9 out where she at (inaudible) see if we can</p> <p>10 break her. Because she is a junky.</p> <p>11 (inaudible) She is weak. You know what I'm</p> <p>12 saying, she is the weaker one, she is the</p> <p>13 weakest link, you understand what I'm saying.</p> <p>14 Q. Pause there. Thank you, Mr. Gruen. In</p> <p>15 that portion of the call we played is "all we know</p> <p>16 is that she bailed her out. We don't know if they</p> <p>17 still with her or not. That's impossible to know,</p> <p>18 that's impossible to know but we do know that he</p> <p>19 bailed her out recently that time she was just</p> <p>20 looked up. So what we're going to do is -- what we</p> <p>21 going to do is find out where she at and see if we</p>

<p style="text-align: right;">Page 202</p> <p>1 can break her. You know what I mean. Because she</p> <p>2 is a junky so she weak. You know what I'm saying,</p> <p>3 she is the weaker one, she's the weakest link. You</p> <p>4 understand what I'm saying." Is that an accurate</p> <p>5 representation of the audio that was played?</p> <p>6 A. That's exactly what was played.</p> <p>7 Q. So what were you describing in your</p> <p>8 conversation with your mother?</p> <p>9 A. It sounds like I was talking to somebody</p> <p>10 else, not my mother. But what I was describing in</p> <p>11 that conversation is, for one, I knew about the</p> <p>12 court dates and everything else only because that's</p> <p>13 what -- what came out through the investigation that</p> <p>14 private investigator was investigating, he said I</p> <p>15 could see that he bailed somebody out.</p> <p>16 Q. And who is --</p> <p>17 A. And he told -- I believe that he was the</p> <p>18 one who told me that it was his baby mother. Now, I</p> <p>19 talked to -- I have to talk to Donna because I can't</p> <p>20 always talk to Wolfe. And when I'm talking about</p> <p>21 her being like the weakest link is my lingo is like</p>	<p style="text-align: right;">Page 204</p> <p>1 her?</p> <p>2 A. Because she -- because she can convey --</p> <p>3 if I can't talk to Wolfe directly, he was a hard guy</p> <p>4 to catch up with, sometimes I can say listen, ask</p> <p>5 him -- if she -- or he update me through her because</p> <p>6 I can't always call him directly so he will update</p> <p>7 me through her sometimes. Like this is all I could</p> <p>8 come up with, you can tell him. And I use that</p> <p>9 information to sync or respond. And that's just how</p> <p>10 the correspondence went.</p> <p>11 Q. Did you ever have anybody reach out to</p> <p>12 Myron Brockington's mother?</p> <p>13 A. That's a possibility.</p> <p>14 Q. You did?</p> <p>15 A. I said that sounds like that could have</p> <p>16 been a possibility.</p> <p>17 Q. Okay. And I'm sorry, when did you hire</p> <p>18 Wolfe?</p> <p>19 A. I don't recall exactly what year or</p> <p>20 timeframe I hired him. I just know I did hire him.</p> <p>21 Q. And why did you ask someone to get in</p>
<p style="text-align: right;">Page 203</p> <p>1 from -- now, all these years later, anything that</p> <p>2 she may remember she might be willing to</p> <p>3 corroborate. That's what I meant by all that.</p> <p>4 Q. So the first question is he said he bailed</p> <p>5 her out. Who is the he?</p> <p>6 A. Myron, I believe.</p> <p>7 Q. Okay. So Myron bailed this woman out?</p> <p>8 A. This woman out. Because it was records to</p> <p>9 show that. That was the -- that was the beginning</p> <p>10 of the, yeah, investigation. That's one of the</p> <p>11 first things he came up with.</p> <p>12 Q. So you were aware generally of this baby</p> <p>13 mother, correct?</p> <p>14 A. That's a tricky question because I wasn't</p> <p>15 aware of her and to -- now you jogging my memory.</p> <p>16 That's making me think of that now, because she was</p> <p>17 never used -- I think she was never even talked to.</p> <p>18 So that didn't even jog my memory. You want to ask</p> <p>19 the question, I forgot all about her.</p> <p>20 Q. Okay. Now, why -- I'm sorry, why did</p> <p>21 Donna -- why did you have to call Donna, involve</p>	<p style="text-align: right;">Page 205</p> <p>1 touch with Myron Brockington's mother?</p> <p>2 MR. BALLENGER: I'm going to object. He</p> <p>3 said he thought it was a possibility. But do</p> <p>4 your best.</p> <p>5 A. Yeah.</p> <p>6 Q. Yeah. If you did.</p> <p>7 MR. BALLENGER: In other words why would</p> <p>8 you have, if you did?</p> <p>9 A. Why would I? Because when -- just through</p> <p>10 conversations and thoughts, they did the interview</p> <p>11 in their house. So if any -- any -- the police</p> <p>12 actually interviewed Myron at his house. So any --</p> <p>13 if anything went wrong, it went wrong right there in</p> <p>14 front of his -- in front of his family. So I can</p> <p>15 throw shots -- I know I'm innocent, so I looked at</p> <p>16 it as I don't have nothing to lose by questioning</p> <p>17 anybody.</p> <p>18 Q. So is it fair to say that you were -- if</p> <p>19 somebody did go to Myron Brockington's mother's</p> <p>20 house it was for the purpose of seeing if she</p> <p>21 witnessed anything?</p>

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<p>1 A. Yeah.</p> <p>2 Q. Is that your testimony?</p> <p>3 A. Yes.</p> <p>4 Q. If we could cue up, it's called D3C528.</p> <p>5 This is dated May 27th, 2015, to phone number</p> <p>6 (240)979-9009.</p> <p>7 MR. BALLENGER: May 15th you said?</p> <p>8 MS. GOO: May 27, 2015.</p> <p>9 MR. BALLENGER: 2015.</p> <p>10 MS. GOO: Yes. Just play the first</p> <p>11 introductory portion.</p> <p>12 AUDIO: You have a prepaid call</p> <p>13 (inaudible) not be (inaudible) this call is</p> <p>14 from Melvin an inmate.</p> <p>15 Q. Pause. So -- and is that you saying</p> <p>16 Melvin?</p> <p>17 A. That's my -- that's my --</p> <p>18 MR. BALLENGER: Is that a recorded --</p> <p>19 prerecorded statement?</p> <p>20 A. Yeah, it's prerecorded. That's my I.D.</p> <p>21 number for sure so far.</p>	<p>1 A. Yeah.</p> <p>2 Q. And who were you talking to. Talking</p> <p>3 about?</p> <p>4 A. I don't know. I don't know who I'm</p> <p>5 talking about.</p> <p>6 Q. Okay. If we --</p> <p>7 A. Could you finish playing it?</p> <p>8 Q. You want to hear more of that portion?</p> <p>9 A. Finish the conversation.</p> <p>10 Q. Sure. You want to keep it rolling for a</p> <p>11 minute.</p> <p>12 AUDIO: Yeah, (inaudible). You understand</p> <p>13 what I'm saying. I mean (inaudible) this man,</p> <p>14 that never would have happened, (inaudible)</p> <p>15 conducted themselves around me like that. You</p> <p>16 understand what I'm saying. (inaudible)</p> <p>17 getting caught (inaudible) happening like that.</p> <p>18 I see these (inaudible), just like that.</p> <p>19 (inaudible) around me good time. You</p> <p>20 understand what I'm saying. We don't</p> <p>21 (inaudible) a reason. (inaudible) brain storm</p>
Page 207	Page 209
<p>1 Q. Okay. And if we could advance it to 25:54</p> <p>2 please. Or as best we can.</p> <p>3 MR. GRUEN: I got it 25:46.</p> <p>4 MS. GOO: If we can start there.</p> <p>5 AUDIO: This mother fucker down the</p> <p>6 middle, huh. (inaudible) while working hard</p> <p>7 (inaudible) how about make him do the right</p> <p>8 thing. He's a stupid mother fucker. He do the</p> <p>9 right thing we both get us money. Man, you</p> <p>10 don't let the police trick you into getting a</p> <p>11 dude (inaudible) see what I'm saying, nigger,</p> <p>12 (inaudible). This need to be explained to this</p> <p>13 punk.</p> <p>14 MS. GOO: Can you pause for a second.</p> <p>15 Q. In the beginning portion of that audio, is</p> <p>16 this an accurate representation of the recording.</p> <p>17 "I'm about to make him do the right thing. He's a</p> <p>18 stupid mother fucker. If he do the right thing we</p> <p>19 can both get some money, huh." Is that an accurate</p> <p>20 representation of the audio recording of a portion</p> <p>21 of what we just played?</p>	<p>1 and get it. (inaudible) Yeah. And get out --</p> <p>2 get out (inaudible) situation. There is no</p> <p>3 matter how much they try and look at it</p> <p>4 (inaudible) I don't ever, ever. That's how</p> <p>5 (inaudible) all in the approach and how to get</p> <p>6 them comfortable and making them work with us</p> <p>7 and how -- and for some reason we got to</p> <p>8 (inaudible) not only doing the right thing</p> <p>9 (inaudible) type of way. That's how you keep</p> <p>10 them on your line. You understand what I'm</p> <p>11 saying. Not only (inaudible) by clean</p> <p>12 conscious but you benefited some other type of</p> <p>13 way, (inaudible) or whatever. If it's done</p> <p>14 right. He blames the police and the prosecutor</p> <p>15 right he get me off, and he can get paid for</p> <p>16 it.</p> <p>17 MS. GOO: We can pause there, please.</p> <p>18 Q. In that last portion of the phone call, is</p> <p>19 it an accurate representation of the recording that</p> <p>20 you said, "and how to get him comfortable and making</p> <p>21 him work with us now and how and for some reason we</p>

<p style="text-align: right;">Page 210</p> <p>1 got to make it so not only him to know it's the 2 right thing but also he can benefit from it in some 3 type of way. That's how you keep him underlying. 4 You understand what I'm saying. Not only do you 5 benefit by clearing your conscious but he benefits 6 some other type way whether it's monetary funds or 7 whatever. If done right, he can blame the police 8 and the prosecutor right to get me off and he can 9 get paid for it." Is that accurate? 10 A. Did I say that? Did I say get paid for 11 it. 12 Q. We can replay the statement if that's 13 helpful? 14 MR. GRUEN: Back up ten seconds. This is 15 from 27:44. 16 AUDIO: (inaudible) what happened. If 17 done right, he blames the police and the 18 prosecutor right to get me off, he can get paid 19 for it. You understand what I'm saying. 20 Q. Okay. Is it an accurate representation of 21 the audio recording?</p>	<p style="text-align: right;">Page 212</p> <p>1 the police anyway. But then for damn sure you 2 going to let them patsy you (inaudible) don't 3 have nothing, good nigger (inaudible) wasn't 4 nothing. See what I'm saying. Come on, dude. 5 But then, (inaudible), because before, you 6 (inaudible) where this angle -- some the angle 7 (inaudible) but fucking bumped you, you know 8 what I mean. (inaudible) to his mother house, 9 I know you said. 10 MS. GOO: Pause. 11 Q. Do you recognize the female voice? 12 A. Yeah. 13 Q. Who is that? 14 A. That's Donna. 15 Q. That's Donna. Okay. So is it an 16 accurate -- so I'm going to -- "before I was too 17 emotional, I felt like the anger -- I felt like the 18 anger was like what the fuck is wrong if you like, 19 you know what I mean." Is that an accurate 20 representation of what Donna just said? 21 A. Yeah.</p>
<p style="text-align: right;">Page 211</p> <p>1 A. Yeah. Yes. 2 Q. Is that yes? 3 A. Yes. 4 Q. And who were you talking to in this phone 5 call? 6 A. I can't even tell who I'm talking to 7 because they ain't saying much. But it sounded like 8 Donna. 9 MS. GOO: We can play a little bit more of 10 the call just to get her voice. 11 AUDIO: (inaudible) learning experience. 12 He can (inaudible) on how what not to do and 13 how the police, let the police (inaudible) 14 killing your own (inaudible). They tried to 15 kill me with 65 years. You understand what I'm 16 saying. (inaudible) You understand what I'm 17 saying him (inaudible). Ain't no way he should 18 feel proud of that. You let him (inaudible) 19 something wrong, nigger. You understand what 20 I'm saying, that don't make me no sense. You 21 understand what I'm saying. (inaudible) for</p>	<p style="text-align: right;">Page 213</p> <p>1 Q. And the next line, "I remember you said 2 that when you went to his mother." Was that an 3 accurate representation of what you said? 4 A. Yes. 5 Q. And that -- you're referring to Myron 6 Brockington's mother? 7 A. I don't -- I don't ever recall her going 8 to his mother. But if so, I never recall her having 9 no conversation with her or anything like that. 10 Q. Do you recall whether or not anybody on 11 your behalf at least attempted to stop by his 12 mother's house. Even if they weren't successful in 13 talking to her? 14 A. I guess her. I mean if I said her. I 15 don't -- it wouldn't, nah. 16 Q. And just to be clear, this is Donna 17 Tabron? 18 A. Tabron. 19 Q. Tabron, sorry. And you were eventually 20 successful in getting in touch with Mr. Brockington, 21 do you recall that?</p>

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<p>1 A. I do at some point.</p> <p>2 Q. And you spoke with him on the phone; is</p> <p>3 that right?</p> <p>4 A. I spoke with him?</p> <p>5 Q. Yes.</p> <p>6 A. I never spoke with him.</p> <p>7 Q. Okay. But somebody eventually did go and</p> <p>8 talk to Mr. Brockington, correct, on your behalf?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And do you recall having a</p> <p>11 conversation with Dina Thomas about Myron</p> <p>12 Brockington agreeing to do a video deposition for</p> <p>13 you?</p> <p>14 A. Dina. Probably.</p> <p>15 Q. Yes. Okay. If we could -- this is a</p> <p>16 phone call, it's dated May 19, 2016. It's called</p> <p>17 D4C147 to phone number (410)812-7500.</p> <p>18 MS. GOO: We're going to go off the record</p> <p>19 for a minute.</p> <p>20 VIDEOGRAPHER: We're going off the record.</p> <p>21 The time is 2:38 p.m.</p>	<p>1 A. Mine and it seemed like Dina so far.</p> <p>2 Q. Okay. If we could move to as close as</p> <p>3 possible minute marker 15:24.</p> <p>4 AUDIO: (inaudible) shit about this nigger</p> <p>5 want to get paid. He basically want to charge</p> <p>6 me for the truth. (inaudible) agree to some</p> <p>7 type of ransom or something, I don't know what.</p> <p>8 Q. Okay. So in that portion whose voice was</p> <p>9 that?</p> <p>10 A. That was my voice.</p> <p>11 Q. Okay. And is it an accurate</p> <p>12 representation of the audio that says "him and</p> <p>13 Tyreke agree to some shit because this nigger want</p> <p>14 to get paid. He basically want to charge me for the</p> <p>15 truth. Yeah, they agree to some type of ransom or</p> <p>16 something." Is that accurate?</p> <p>17 A. No. I mean that's -- that's what was said</p> <p>18 but it's not accurate.</p> <p>19 Q. Okay. If we could move to minute marker</p> <p>20 16:07, please.</p> <p>21 MR. GRUEN: Got it to 16:01.</p>
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<p>1 (Off the record.)</p> <p>2 VIDEOGRAPHER: We're back on the record.</p> <p>3 The time is 2:39 p.m.</p> <p>4 Q. So, again, for the record, this is call</p> <p>5 May 19, 2016. D4C147. Actually, sorry, one second.</p> <p>6 This is going to be phone number (410)812-7500.</p> <p>7 Before we play the call, Mr. Thomas, do you</p> <p>8 recognize that phone number.</p> <p>9 A. I do.</p> <p>10 Q. And whose number is that?</p> <p>11 A. That is Dina Thomas.</p> <p>12 Q. All right. So we're going to play the</p> <p>13 first ten seconds of the recording, please.</p> <p>14 AUDIO: (inaudible) recorded and</p> <p>15 monitored. If you wish to block any future</p> <p>16 calls of this nature dial (inaudible). What's</p> <p>17 up.</p> <p>18 Q. Pause for a second. And do you recognize</p> <p>19 those voices?</p> <p>20 A. Yes.</p> <p>21 Q. And whose voices were those?</p>	<p>1 MS. GOO: That's good.</p> <p>2 AUDIO: And that's where we at. That's</p> <p>3 where we at. And I mean do a video</p> <p>4 confirmation without (inaudible) after</p> <p>5 everything is handled. I don't know what's</p> <p>6 happening. You're the first person I called</p> <p>7 since I talked to mom last night. I just had</p> <p>8 to give you this news. I'm coming home. Yeah</p> <p>9 (inaudible).</p> <p>10 A. I said talk to mom.</p> <p>11 MS. GOO: If we would pause there for a</p> <p>12 second.</p> <p>13 Q. So is it an accurate representation that</p> <p>14 you said on the call, "I mean he'll do a video</p> <p>15 confirmation, whatever I want him to do, after</p> <p>16 everything is handled. I don't know what's</p> <p>17 happening. You're the first person I called since I</p> <p>18 talked to Myron last night. I just had to give you</p> <p>19 this news. I'm coming home. Yeah, it's about to go</p> <p>20 down."</p> <p>21 A. I never talked to Myron. But I don't know</p>

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<p>1 if I misspoke but -- or said his name, but I never 2 talked to him.</p> <p>3 Q. But was that an accurate recording of what 4 was on the call?</p> <p>5 A. That's an accurate recording.</p> <p>6 Q. And I think if we could just keep going a 7 little bit further.</p> <p>8 AUDIO: I'm going to get paid. Everything 9 that I thought was going to happen, they tried 10 to (inaudible) while business. I stuck to my 11 guns, I didn't let off the foot until I found 12 that nigger. I banked on him. And now it 13 seems like -- like my debt is paid off so many 14 years later. But I (inaudible) find this 15 nigger. (inaudible) give a fuck, nobody 16 (inaudible) tell me no different.</p> <p>17 Q. We can stop there. Is it an accurate 18 representation of the recording that you said, "oh, 19 I'm going to get paid. Everything that I thought 20 was going to happen, they tried to push me to 21 ineffective counsel and all that whole while</p>	<p>1 (240)217-8599?</p> <p>2 A. 240.</p> <p>3 Q. 217-8599?</p> <p>4 A. 217-8599. Yeah, that's my mother.</p> <p>5 Q. Okay.</p> <p>6 MS. GOO: If we could play the first part 7 of the call, first ten seconds.</p> <p>8 AUDIO: Hello. You have a prepaid call. 9 You are not being charged for this call. This 10 call is from Melvin. Hello. An inmate in the 11 Maryland Correctional facility. This call will 12 be recorded and monitored. If you wish to 13 block any future calls of this nature, dial 14 seven now. To accept this call, press zero 15 now. Hello. Hey baby. What's up. 16 (inaudible).</p> <p>17 Q. Do you recognize the voices on that call?</p> <p>18 A. That sounds like my mother.</p> <p>19 Q. Okay. And she said she was at a cookout?</p> <p>20 A. I don't -- it sounded like that might have 21 been what she said.</p>
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<p>1 business. I stuck to my guns, I didn't let up off 2 the foot until I found that nigger. I banked on him 3 and now it seeming like it's just like my bet was 4 paid off so many years later but I still wanted to 5 find this nigger. I wasn't going to stop until I 6 did. I didn't give a fuck. Couldn't nobody deter 7 me, couldn't nobody tell me no different." Is that 8 an accurate representation of the recording?</p> <p>9 A. That is an accurate representation of the 10 recording.</p> <p>11 Q. So after you learned that Mr. Brockington 12 would help you out in exchange for money, did you 13 try to start to crowd source to get him paid?</p> <p>14 A. No, he never was given no money.</p> <p>15 Q. Were there attempts by your family to try 16 and collect money to pay him?</p> <p>17 A. No, it was -- no. No.</p> <p>18 Q. Okay. If we could go to call D4C162. 19 This is dated May 30th, 2016. And it is to phone 20 number (240)217-8599. Before we play the call, 21 Mr. Thomas, do you recognize this phone number</p>	<p>1 Q. All right. If we could move it as close 2 as possible to 2:24.</p> <p>3 MR. GRUEN: 2:23.</p> <p>4 AUDIO: (inaudible). I don't think -- 5 you're (inaudible) I think you the only one 6 that can move that mountain. I mean I'm not 7 going to tell you nothing that I don't feel 8 about (inaudible), okay.</p> <p>9 MS. GOO: If we could keep going.</p> <p>10 AUDIO: What makes you think she going to 11 do something for (inaudible) I don't feel like 12 being lied to right now. Listen to me. She 13 can (inaudible) I swear to God I will 14 (inaudible). All right. So you said you 15 weren't able to get in contact with Tyreke 16 though. Hello. Hello. Hello. What's up. 17 What's going on. Who is it that you be talking 18 to, who you communicate with, who (inaudible) 19 you communicate with that I know. I was 20 talking (inaudible). I was (inaudible). 21 MS. GOO: Pause there for a second.</p>

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<p>1 Q. So is there another female voice that came 2 on the line? 3 A. I'm trying to figure that out. 4 Q. Play it for another few seconds. 5 AUDIO: That's it. (inaudible). You want 6 to talk to Darnel at all. Yeah, I talk to 7 Darnel. I called Darnel. Darnel. Because it 8 seem like -- it seem like (inaudible) -- 9 struggling to get people who said they was 10 going to do something to do something. 11 MS. GOO: Pause for a second. 12 Q. So is it an accurate representation that 13 you said "mommy is having a hard time getting people 14 to do what they said they would do." 15 A. That's what was said. 16 Q. Okay. 17 MS. GOO: Keep going. 18 AUDIO: I don't understand that really and 19 (inaudible). Somebody told her -- that 20 somebody told (inaudible). What is it that I 21 need.</p>	<p>1 is dead. It ain't even about that no more. 2 It's about -- it's about the dude, what the 3 dude wants. What (inaudible). I don't know 4 nothing about that, I never heard what he 5 wanted. 6 Q. Stop there for a second. So is it an 7 accurate representation of the recording that you 8 said "no, the package thing is dead now, that's 9 over. I can't think about a package now. That 10 package shit is dead. If ain't even about that no 11 more, it's about what the dude wants. You didn't 12 hear nothing about." The female voice says "I ain't 13 know nothing about that. I never heard what he 14 wanted." Is that accurate? 15 A. That's accurate. 16 MS. GOO: Keep playing. 17 AUDIO: Well, there ain't -- yeah, it's 18 basically around about number that (inaudible). 19 What do he want. Well, well, last time I 20 checked, last time I checked (inaudible) trying 21 to get a whole stack, you understand what I'm</p>
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<p>1 MS. GOO: Pause there for a second. 2 Q. Do you recognize the voice now, female 3 voice? 4 A. I'm still trying to catch on to it. 5 AUDIO: Is that what you said. Yes. You 6 don't know what's going on, I thought you were 7 the first to know, one of the first people to 8 know. But I mean. (inaudible) 9 Q. Stop there for a second. Do you recognize 10 the voice now? 11 A. I don't. 12 Q. Okay. The female voice said "you need 13 \$300". Is an accurate representation of the 14 recording? 15 A. Yes. 16 Q. Okay. Keep going. 17 AUDIO: You need \$300. I mean, no, why 18 are you asking me that. I mean now we 19 getting -- (inaudible) no, the package said is 20 dead now. That's (inaudible). I can't -- I 21 can't think about a package now. That package</p>	<p>1 saying. And he (inaudible) to people. 2 Q. Pause there, please. So the female voice 3 says "what do he want, what do he want." Is that an 4 accurate representation of what the recording 5 reflects? 6 A. Yes. 7 Q. And you said, "we -- well, we -- well, 8 last time I checked Tyreke trying to get him a whole 9 stack. You understand what I'm saying. And he the 10 one that round up most of the people." Is that an 11 accurate reflection of the audio that was played? 12 A. Yes. 13 Q. What is a whole stack? 14 A. A whole stack? 15 Q. Yes. 16 A. A stock is considered a thousand dollars. 17 Q. Advance to 6:15. 18 AUDIO: And (inaudible). Well -- 19 MS. GOO: Actually start that again, a 20 little bit before. 21 MR. GRUEN: I'm going to start from 6:01.</p>

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<p>1 AUDIO: (inaudible) can use it for this.</p> <p>2 (inaudible) the money that package (inaudible)</p> <p>3 still haven't come home so we can get this</p> <p>4 thing done with. When the dude get that, he</p> <p>5 going to do what he got to do. (inaudible)</p> <p>6 okay, so the boy saying he will take \$1,000.</p> <p>7 Well, (inaudible), that ain't no way to talk.</p> <p>8 But, yeah, basically that's what's going to</p> <p>9 happen. That's what's going to happen, yeah.</p> <p>10 And he going to do -- just to do the right</p> <p>11 thing, yeah basically.</p> <p>12 MS. GOO: Pause there for a second.</p> <p>13 Q. Okay. So as a part of that audio</p> <p>14 recording is it accurate the female voice said,</p> <p>15 "okay, so the boy said he'll take \$1,000." And then</p> <p>16 you said, "well, well, that ain't the way to talk,</p> <p>17 but, yeah, basically that's what's going to happen.</p> <p>18 That's what's going to happen, yeah, and he going to</p> <p>19 do -- just do the right thing, yeah, basically." Is</p> <p>20 that an accurate representation of the recording?</p> <p>21 A. That's an accurate description of the</p>	<p>1 AUDIO: Thousand dollars.</p> <p>2 MR. GRUEN: Let me increase the volume.</p> <p>3 AUDIO: (inaudible) thousand dollars, you</p> <p>4 can get a thousand dollars.</p> <p>5 MR. GRUEN: That's 6:50.</p> <p>6 Q. Did you hear that last part, it says "you</p> <p>7 can get a thousand dollars."</p> <p>8 A. That's what it sounded like, I can get a</p> <p>9 thousand dollars. I think I heard that, yeah.</p> <p>10 MS. GOO: All right. You can go.</p> <p>11 MR. GRUEN: 6:51.</p> <p>12 AUDIO: What did you say. (inaudible)</p> <p>13 dude will take a thousand dollars, you can get</p> <p>14 the thousand dollars. That's what I'm saying.</p> <p>15 (inaudible) it should be that hard either. The</p> <p>16 only thing is getting people that go ahead and</p> <p>17 get it. Like Tyreke said I'm going to go</p> <p>18 around and collect it from the people he knows.</p> <p>19 He told me to gather up more people so we can</p> <p>20 hurry up and get this thing done. Because we</p> <p>21 all agree that the fact that (inaudible)</p>
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<p>1 call, yes.</p> <p>2 Q. If we could play a little bit further.</p> <p>3 AUDIO: (inaudible) dude take a thousand</p> <p>4 dollars and (inaudible) take thousand</p> <p>5 (inaudible)</p> <p>6 MS. GOO: Stop there a second.</p> <p>7 Q. So the female voice said "so if you dude</p> <p>8 is going to take a thousand dollars, then you can</p> <p>9 get the \$1,000." Is that an accurate representation</p> <p>10 of the audio just played?</p> <p>11 A. I didn't -- I didn't hear that.</p> <p>12 MS. GOO: Just go back again.</p> <p>13 MR. GRUEN: Starting at 6:36.</p> <p>14 AUDIO: Dude take a thousand dollars</p> <p>15 (inaudible) take a thousand dollars,</p> <p>16 (inaudible) thousand dollars.</p> <p>17 A. Did you hear that?</p> <p>18 MR. BALLENGER: I can't understand it.</p> <p>19 A. I couldn't understand it either.</p> <p>20 Q. All right. Can we go to 6:50?</p> <p>21 MR. GRUEN: 6:41.</p>	<p>1 quicker is the better.</p> <p>2 MS. GOO: Stop there.</p> <p>3 Q. And so is it an accurate representation of</p> <p>4 the recording that you say "that's what I'm saying.</p> <p>5 I don't believe it should be that hard either. The</p> <p>6 only thing is is to get people to go ahead and get</p> <p>7 it. Like Tyreke said I'm gone go around and he</p> <p>8 going to collect it from the people he know. He</p> <p>9 told me to gather up some more people so we can</p> <p>10 hurry up and get this thing done. Because we all</p> <p>11 agree that the faster it gets done the better." Is</p> <p>12 that the accurate representation of that recording?</p> <p>13 A. Yes.</p> <p>14 Q. All right. And lastly if we could go to</p> <p>15 8:52, please.</p> <p>16 MR. GRUEN: 8:49.</p> <p>17 MS. GOO: Great. Thank you.</p> <p>18 AUDIO: Okay. Well, I could give you -- I</p> <p>19 know for sure I can give you -- I know for sure</p> <p>20 I can give you \$200. But if you give</p> <p>21 (inaudible) four, I might get you \$300</p>

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<p>1 (inaudible). Right now, but (inaudible)</p> <p>2 MS. GOO: Stop there.</p> <p>3 Q. And is it an accurate representation that</p> <p>4 the female voice said, "okay, well, I can give you,</p> <p>5 I know for sure I can give you \$200, but if you give</p> <p>6 me until the fourth I might could give you \$300. I</p> <p>7 for sure got two right now. But if you give me</p> <p>8 until the fourth I might got three." Is that an</p> <p>9 accurate representation of that recording?</p> <p>10 A. Yes.</p> <p>11 Q. So what were you -- what was the thousand</p> <p>12 dollars about?</p> <p>13 A. Pay my investigator.</p> <p>14 Q. To pay your investigator?</p> <p>15 A. Yup. Can I use the bathroom real fast.</p> <p>16 MR. BALLENGER: Yeah, take a break.</p> <p>17 MS. GOO: That's fine. Take a break.</p> <p>18 VIDEOGRAPHER: We are going off the</p> <p>19 record. The time is 2:56 p.m.</p> <p>20 (Off the record colloquy.)</p> <p>21 VIDEOGRAPHER: We are back on the record.</p>	<p>1 Q. Stop there. Do you remember us playing</p> <p>2 this call before where you said "I'm about to make</p> <p>3 him do the right thing. He's a stupid mother</p> <p>4 fucker. He do the right thing we can both get some</p> <p>5 money, huh."</p> <p>6 A. That's what was said.</p> <p>7 Q. Okay. So my question is when you were</p> <p>8 talking about somebody saying we can both get some</p> <p>9 money, were you talking about the private</p> <p>10 investigator there and you?</p> <p>11 A. We can both get some money? I don't know</p> <p>12 what I was talking about right there.</p> <p>13 Q. If we can play the call at minute marker,</p> <p>14 about -- a little before 27:20.</p> <p>15 MR. GRUEN: 27:19.</p> <p>16 AUDIO: And get him comfortable and making</p> <p>17 him work (inaudible). And how we -- and if for</p> <p>18 some reason we got to make it that not only is</p> <p>19 he doing the right thing but he can benefit</p> <p>20 from it some type of way. That's how you</p> <p>21 keep -- keep him on your line. You understand</p>
Page 231	Page 233
<p>1 The time is 3:07 p.m. This is media number</p> <p>2 five.</p> <p>3 Q. I'm going to go back to -- it's a phone</p> <p>4 call dated May 27, 2015, call number D3C528 to phone</p> <p>5 number (240)979-9009. We did previously play this</p> <p>6 call. I just wanted to ask a few follow-up</p> <p>7 questions related to that. So before I play the</p> <p>8 call, Mr. Thomas, do you recognize call 240 -- phone</p> <p>9 number (240)979-9009?</p> <p>10 A. No, not off the top of my head.</p> <p>11 Q. Okay. And do you recall whether that was</p> <p>12 a phone number for Donna Tabron?</p> <p>13 A. I don't recall that.</p> <p>14 Q. Okay. If we could just go a little bit</p> <p>15 before 25:44, please?</p> <p>16 MR. GRUEN: 25:46.</p> <p>17 AUDIO: This mother fucker down the</p> <p>18 middle, huh. While I'm working hard. I'm</p> <p>19 about to make him do the right thing. He a</p> <p>20 stupid mother fucker. He do the right thing,</p> <p>21 we both get some money, huh.</p>	<p>1 what I'm saying. Not only do you benefit by</p> <p>2 cleaning your conscious but you benefit in some</p> <p>3 other type of way, monetary funds or whatever,</p> <p>4 like. If done right, he play the police and</p> <p>5 the prosecutor right and get me off, he can get</p> <p>6 paid for it.</p> <p>7 MS. GOO: Stop, please.</p> <p>8 Q. So that call was about Myron Brockington,</p> <p>9 right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Did you ever ask people that were</p> <p>12 on your call list, people that you called from the</p> <p>13 jail, did you ever ask them to do three-way calls</p> <p>14 for you?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And do you recall having someone do</p> <p>17 this for you to contact talk to Myron Brockington?</p> <p>18 A. No.</p> <p>19 Q. In June of 2016?</p> <p>20 A. No.</p> <p>21 Q. If we could have call -- it's dated</p>

<p style="text-align: right;">Page 234</p> <p>1 June 19, 2016. Call D4C181, phone number 2 (410)982-3324. If we could just play the 3 introductory portion of the call, first? 4 MR. GRUEN: Starting at 5:46. 5 AUDIO: If you (inaudible) block 6 (inaudible) any nature of this, dial seven now. 7 To accept this call, press zero now. Hello. 8 Yeah. Yeah. (inaudible) you said you didn't 9 want (inaudible) that what you're saying. 10 Actually I don't (inaudible). I got you. I 11 get it. I get it. Got you. I got to make 12 sure he understand. I got some more 13 clarification to get done (inaudible) somebody 14 sent me his charge sheet. I just need some 15 (inaudible) few more questions, (inaudible) -- 16 MS. GOO: Stop there for a second. 17 Q. Okay. Do you recognize the female voice? 18 A. I do. 19 Q. And who is that? 20 A. That is Donna. 21 Q. And that was you as the male on the phone?</p>	<p style="text-align: right;">Page 236</p> <p>1 was fast to this stuff, so (inaudible), it's 2 night time calls is just (inaudible). Yeah, 3 man. I just had thing -- (inaudible) I'm quite 4 sure, right, that -- that maybe sooner than 5 later that the (inaudible) investigator going 6 to get back you, right. I guess he was busy 7 right now (inaudible) get back with you sooner 8 or later. I just wanted to get up with you on 9 the up and up before all that happened, right. 10 MS. GOO: Pause there for a second. 11 Q. Do you recognize the other male voice? 12 A. I'm trying get tuned to the voice right 13 now. 14 Q. But as part of the recording, I know there 15 was a bunch that was played right before we stopped, 16 is it an accurate representation that you said, 17 "yeah, man, I just had a lot things on my mind. I'm 18 quite sure, right, that maybe sooner or later the 19 private investigator going to get back to you, 20 right. I guess he's busy right now." And the other 21 male voice says "yeah."</p>
<p style="text-align: right;">Page 235</p> <p>1 A. It was. 2 Q. Okay. And you heard the audio said "I've 3 got to butter my bread"; is that right? 4 A. That sounds like biscuit. 5 Q. Butter my biscuit, sorry. What did you 6 mean by that? 7 A. I don't know. 8 Q. Okay. If we could go to just a little bit 9 before 3:03. 10 MR. GRUEN: 3:01. 11 AUDIO: Hello. Yeah. Yeah. I have 12 (inaudible). I don't know what. I was 13 (inaudible) it wasn't allowed -- (inaudible) 14 crazy sometimes like that. (inaudible) allow 15 the three way to go through or wouldn't -- when 16 you was calling. Like I said, usually it 17 worked that way if it don't work the other way, 18 right. Right, right. Yeah (inaudible) when I 19 was over. Right. Yeah, no, I've been meaning 20 to get up with you for a while. (inaudible) 21 jail type (inaudible) one and two. I was -- I</p>	<p style="text-align: right;">Page 237</p> <p>1 A. Yeah. 2 MS. GOO: Keep going. 3 AUDIO: Let you know (inaudible) she was. 4 I told him I said everything is done and 5 (inaudible) or something. Yeah, no, I already 6 know, I'm quite sure I have (inaudible) you all 7 going to be doing it (inaudible) I got you all. 8 And I don't know (inaudible) he a professional, 9 (inaudible). You know, I'm just saying that 10 I'm just letting you know basically only got 20 11 minutes (inaudible) ahead but I'm just letting 12 you know basically, you know, you know how 13 (inaudible) thing works, like, you know, just 14 letting you know that basically for 15 conversations like if what you were saying 16 basically -- I mean there ain't nothing for you 17 to be nervous about -- how did you feel about 18 the whole situation (inaudible) like now. 19 Like. No, I'm (inaudible) still everything 20 cool, make it right. Basically I already got 21 my guys and what's going on. Okay, okay. All</p>

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<p>1 right. (inaudible) we talked last time, you 2 know what I mean. They talk (inaudible) you 3 know what I mean and I wasn't looking at the 4 wrong thing. And what? The conversation we 5 had last time. Yeah, yeah. When I was asking 6 you about that (inaudible) figured you know me 7 but I want to be sure. Oh, you talking about. 8 Yeah. Yeah. Yeah. (inaudible). Right. 9 Right. Right. 10 MS. GOO: Okay. Stop there for a second. 11 Q. Is that giving you any help in terms 12 knowing who that person is that you were speaking 13 with? 14 A. I'm still listening. 15 Q. Okay. One second. If we could actually 16 go up to a little bit before 7:01. 17 MR. GRUEN: 6:56. 18 MS. GOO: Thank you. 19 AUDIO: Let me ask some questions so I can 20 clear my mind. So you (inaudible) did right, 21 yeah, yeah. Yeah. Yeah. (inaudible) Because,</p>	<p>1 "why -- you see the reason why that -- the whole 2 situation, I partially -- partially reason why I'm 3 here, why did he even give you photograph to, 4 something inaudible, and I'm just going off, going 5 off to me getting his -- his tape statements some 6 years ago is because he tried to tell. He tried to 7 tell on somebody. I mean who do you say was his rat 8 buddy." And the other male voice says "right." Is 9 this somebody who was involved or knew about your 10 case that you were speaking with you on the phone? 11 A. I'm trying to figure that out if you could 12 finish playing. 13 MS. GOO: Okay. Keep it going, please. 14 AUDIO: (inaudible) and so wanted 15 (inaudible) being this and that. I'm assuming 16 that's why you got pictures of people from down 17 in the projects or whatever, whatever. You 18 understand what I'm saying. No. But I still 19 don't -- I still don't understand why he gave 20 you a picture. The picture -- my picture being 21 put in the picture involve (inaudible) to this</p>
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<p>1 Oh, all right, that's the only thing that makes 2 sense. Because when he was with them, I don't 3 know, I don't know. I don't know. I don't 4 know. Yeah, that's a strange thing 5 (inaudible). Yeah, I don't know, I don't know. 6 Do you know what Junky Green at right now. 7 Yeah, six feet. All right. I ain't know that 8 you knew that. (inaudible) trust me, I know 9 everything that goes on. All right. All 10 right. Because the reason why you see -- the 11 reason why that the whole situation -- 12 partially the reason why he even gave you a 13 photograph to raise it, I'm just going off of 14 me getting his case statement from years ago 15 was because he tried to get -- he tried to tell 16 on somebody, I mean who he say was his rat 17 buddy, some (inaudible) 18 MS. GOO: Stop there for a second. 19 Q. Okay. Do you know who you're talking to? 20 A. I'm still listening. 21 Q. And there were -- did you hear you say</p>	<p>1 day I don't -- I don't even know, right. But. 2 Right. But -- just one more question. You 3 told me in our last conversation, you say when 4 they -- you say they had some type of 5 investigation on you or something. Yeah, yeah, 6 DEA. Oh, okay. I just -- the dude, the 7 homicide investigator -- I mean, yeah, homicide 8 George Vigue, what did he -- what was his role 9 thing in the situation with my case. Like what 10 did -- because (inaudible) he wanted me to give 11 him detail about it. He was just saying -- he 12 wanted me to give him detail about it, because 13 I guess (inaudible) but he was like, he showed 14 me a picture of (inaudible) and four other 15 dudes. 16 MS. GOO: Stop for a second. 17 Q. Okay. Do you know who the person is that 18 you're speaking with. Having, you know, asking him 19 about this meeting with George Vigue and 20 investigation with the DEA? 21 A. Sounds like Myron.</p>

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<p>1 Q. Sounds like Myron?</p> <p>2 A. Yeah.</p> <p>3 Q. If we could just keep going a little bit</p> <p>4 further?</p> <p>5 AUDIO: And you know (inaudible) big book.</p> <p>6 He was showing me (inaudible) you know what I</p> <p>7 mean, blow him off. Right.</p> <p>8 MS. GOO: Could you pause there.</p> <p>9 Q. Okay. So is it an accurate representation</p> <p>10 of the recording that the other male voice who you</p> <p>11 said might be Myron, "he wasn't -- he didn't get</p> <p>12 into detail about it, he was just saying he wasn't</p> <p>13 going to get into detail about it. You know, I mean</p> <p>14 because I guess that's a different situation so he</p> <p>15 was like so he showed me a picture of, you know, me,</p> <p>16 you, your brother, Vain and then like four other</p> <p>17 dudes." Is that an accurate representation of --</p> <p>18 A. That's what it sounded like he said.</p> <p>19 Q. Okay. So a photographic array or some</p> <p>20 type of photographic identification was shown to</p> <p>21 this other person that you're talking to?</p>	<p>1 minutes.</p> <p>2 MR. GRUEN: We're at 11:57.</p> <p>3 MS. GOO: Thank you.</p> <p>4 AUDIO: Yeah, I mean I seen him every now</p> <p>5 and then in passing through. Have you ever</p> <p>6 came down to the projects (inaudible) brother</p> <p>7 but other than that I ain't seen him. I ain't</p> <p>8 seen him or -- you don't understand,</p> <p>9 (inaudible) you don't understand (inaudible)</p> <p>10 you making me making some of this stuff make</p> <p>11 sense (inaudible), I don't understand nothing</p> <p>12 about this (inaudible). You understand what</p> <p>13 I'm saying. (inaudible). I don't know how you</p> <p>14 got in the middle. You (inaudible) except for</p> <p>15 (inaudible)</p> <p>16 MS. GOO: Stop there for a second.</p> <p>17 Q. And so does that give you any better</p> <p>18 recollection as to who you were talking to on the</p> <p>19 phone?</p> <p>20 A. Yes.</p> <p>21 Q. And who is it?</p>
Page 243	Page 245
<p>1 A. Yeah.</p> <p>2 Q. Mr. Thomas, as a part of the criminal</p> <p>3 discovery that you received in your criminal case</p> <p>4 for the shooting of Mr. Brockington, were you aware</p> <p>5 of a photographic array being presented to any of</p> <p>6 the witnesses? So a series of pictures that were</p> <p>7 shown to a witness to identify you?</p> <p>8 A. Yeah.</p> <p>9 Q. Okay. And who was that shown to?</p> <p>10 A. Nina Wilson.</p> <p>11 Q. Okay.</p> <p>12 A. And Myron Brockington as far as I know.</p> <p>13 Q. As far as you know?</p> <p>14 A. As far as I know.</p> <p>15 Q. But you know about a photo array involving</p> <p>16 Myron Brockington?</p> <p>17 A. Huh?</p> <p>18 Q. I said you are aware a photo array was</p> <p>19 shown to Myron Brockington?</p> <p>20 A. Yeah, I know, at some point.</p> <p>21 Q. Okay. If we could go to minute marker 12</p>	<p>1 A. Myron.</p> <p>2 Q. It's Myron. Okay. So is it an accurate</p> <p>3 representation of the recording that Myron said,</p> <p>4 "yeah, because I don't even know how you got in the</p> <p>5 middle." You replied "huh" and then Myron stated "I</p> <p>6 don't even know how you got in the middle because</p> <p>7 you don't even look anything alike except for the</p> <p>8 something chinky dude." Is that an accurate</p> <p>9 representation of the recording?</p> <p>10 A. That's what it sounded like he said.</p> <p>11 Q. If we could go to minute marker 16:38 or</p> <p>12 thereabouts?</p> <p>13 MR. GRUEN: 16:35.</p> <p>14 MS. GOO: Thank you.</p> <p>15 AUDIO: (inaudible) anything like</p> <p>16 (inaudible). Yeah, yeah, so yeah. So he</p> <p>17 was -- the only thing was I knew that something</p> <p>18 had to have been wrong with you -- with what</p> <p>19 you did (inaudible) because I'm like how the</p> <p>20 fuck, man, I don't look nothing (inaudible)</p> <p>21 nothing, nothing.</p>

<p style="text-align: right;">Page 246</p> <p>1 Q. Can we pause there for a second. So you</p> <p>2 are discussing with Myron the photo array and you</p> <p>3 said that you don't look anything like the -- what</p> <p>4 was being described; is that correct?</p> <p>5 A. Right.</p> <p>6 Q. And why were you talking to Myron about</p> <p>7 this?</p> <p>8 A. Seemed like I was trying to get some</p> <p>9 understanding in that conversation.</p> <p>10 Q. Okay. Do you recall talking to</p> <p>11 Mr. Brockington about the flea market in that phone</p> <p>12 call?</p> <p>13 A. I don't.</p> <p>14 Q. Okay. Keep going, please.</p> <p>15 AUDIO: Is this thing about all that is --</p> <p>16 is you know -- you know you this (inaudible)</p> <p>17 got me and all (inaudible) that nigger when I</p> <p>18 was up at the flea market. And (inaudible) and</p> <p>19 I looked down and I was like there's that</p> <p>20 mother fucker right there, I should stab him in</p> <p>21 the fucking (inaudible). You know what's crazy</p>	<p style="text-align: right;">Page 248</p> <p>1 June of 2016, do you recall a phone call with --</p> <p>2 having a call with Mr. Brockington in June of 2016</p> <p>3 which you discussed the flea market?</p> <p>4 A. I don't recall.</p> <p>5 Q. You talked to Mr. Brockington about the</p> <p>6 case in this phone call, right?</p> <p>7 A. Yeah.</p> <p>8 Q. And the phone call lasted about 30</p> <p>9 minutes?</p> <p>10 A. I don't know.</p> <p>11 Q. And you had another phone call with</p> <p>12 Mr. Brockington after this one in June of 2016, do</p> <p>13 you recall that?</p> <p>14 A. No.</p> <p>15 Q. Okay. So you don't recall the duration of</p> <p>16 that phone call?</p> <p>17 A. I don't.</p> <p>18 Q. Okay. And you don't remember coaching him</p> <p>19 about what to say to the private investigator?</p> <p>20 A. I don't.</p> <p>21 Q. Okay. If we could go to a call dated</p>
<p style="text-align: right;">Page 247</p> <p>1 about that is, I mean at that point I mean how</p> <p>2 did you feel -- I mean me being that you're</p> <p>3 seeing the dude that did it but -- but you know</p> <p>4 that I was here all this time. I knew a phone</p> <p>5 call would come around. That's when it came</p> <p>6 around I answered it. Okay. All right. Do</p> <p>7 you know (inaudible)</p> <p>8 MS. GOO: Stop there for a second.</p> <p>9 Q. Okay. So in your -- so there was a lot of</p> <p>10 conversation that we have gone through so far. And</p> <p>11 there is a mention of another phone call that you</p> <p>12 have with Mr. Brockington prior to this call. Do</p> <p>13 you recall the first phone call that you had with</p> <p>14 Mr. Brockington before this one?</p> <p>15 A. I swear I didn't recall any phone calls by</p> <p>16 him. But I don't know -- no.</p> <p>17 Q. Okay. And do you recall talking to him</p> <p>18 about the whole flea market situation prior to this?</p> <p>19 A. Prior to just now?</p> <p>20 Q. Prior to this phone call. So before you</p> <p>21 were on the phone with him on this day, which was in</p>	<p style="text-align: right;">Page 249</p> <p>1 July 26, 2016. It is call D4C201. The phone number</p> <p>2 is (240)217-8599. And before we play the call,</p> <p>3 Mr. Thomas, do you know what phone number -- whose</p> <p>4 phone number that is?</p> <p>5 A. Did you say 8599?</p> <p>6 Q. Yes.</p> <p>7 A. That's my mother's number.</p> <p>8 Q. Okay. If we could play the introductory</p> <p>9 portion of the call.</p> <p>10 MR. BALLENGER: Do you have -- can I get a</p> <p>11 copy of the transcript you're reading from?</p> <p>12 MS. GOO: This is my outline right now.</p> <p>13 MR. BALLENGER: Do you have a copy of the</p> <p>14 actual transcripts?</p> <p>15 MS. GOO: We have some limited portions of</p> <p>16 transcripts but we don't have a full transcript</p> <p>17 of the phone calls.</p> <p>18 MR. BALLENGER: Do you have transcripts</p> <p>19 that you're reading from.</p> <p>20 MS. GOO: Again, right now this is what I</p> <p>21 have in my outline.</p>

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<p>1 MR. BALLENGER: Can I get a copy?</p> <p>2 MS. GOO: We can get you a copy.</p> <p>3 MR. BALLENGER: I can have it copied right</p> <p>4 now and it will save some time on redirect I'm</p> <p>5 sure. And I can follow along while you're</p> <p>6 doing it.</p> <p>7 MS. GOO: Let me see.</p> <p>8 MR. BALLENGER: I can have my secretary do</p> <p>9 it.</p> <p>10 MS. GOO: I'm just looking right now</p> <p>11 through what we have. No, unfortunately we</p> <p>12 don't have full transcripts. I have just very</p> <p>13 small portions which are our work product.</p> <p>14 MR. BALLENGER: But they are the portions</p> <p>15 you're reading from.</p> <p>16 MS. GOO: Sure.</p> <p>17 MR. BALLENGER: I just want a copy of</p> <p>18 that, that's all. If it's just a portion that</p> <p>19 you took, you can send me the full one when you</p> <p>20 get a chance but I'll just take what you have</p> <p>21 now.</p>	<p>1 MR. WASSERMAN: It's an attorney</p> <p>2 transcribing. This is attorney work product,</p> <p>3 sir.</p> <p>4 MR. BALLENGER: So you're not going to</p> <p>5 produce it?</p> <p>6 MS. GOO: Because it's not a transcript.</p> <p>7 Again, like we're going through -- can we just</p> <p>8 go off the record. Actually I want this on</p> <p>9 record. We're going through and making sure,</p> <p>10 because we have certain things that we've typed</p> <p>11 up that we think are what the recordings, but</p> <p>12 that's what we're going through with your</p> <p>13 client, if it is accurate or not. So we don't</p> <p>14 want to produce these as any type of transcript</p> <p>15 at this point?</p> <p>16 MR. BALLENGER: So you're refusing to</p> <p>17 produce it?</p> <p>18 MS. GOO: Yes.</p> <p>19 MR. BALLENGER: Okay.</p> <p>20 MS. GOO: So I believe that we're now on</p> <p>21 July 26, 2016, D4C201. Call to 240-217-8599.</p>
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<p>1 MS. GOO: I have what we are using just</p> <p>2 very limited. But I don't have a copy to</p> <p>3 produce right now.</p> <p>4 MR. BALLENGER: Can you download one from</p> <p>5 your computer?</p> <p>6 MS. GOO: No, I don't believe we have</p> <p>7 that.</p> <p>8 MR. GRUEN: We don't have it in that form</p> <p>9 and anything we have produced for ourselves is</p> <p>10 work product.</p> <p>11 MR. BALLENGER: I don't think it's work</p> <p>12 product when these are transcripts you're</p> <p>13 reading from to the witness that are supposed</p> <p>14 transcripts from these recordings. I mean it's</p> <p>15 going to speed things up. I mean otherwise I'm</p> <p>16 going to have -- we'll have to break on a</p> <p>17 deposition. Obviously I'll let you keep going</p> <p>18 with what you got, but you could certainly</p> <p>19 speed things along --</p> <p>20 MR. GRUEN: They are not transcripts.</p> <p>21 That's why -- Ms --</p>	<p>1 If we could just play the introductory portion</p> <p>2 of that call.</p> <p>3 MR. GRUEN: Fifty-five seconds.</p> <p>4 AUDIO: You will not be charged for this</p> <p>5 call. This call is from Melvin, an inmate at a</p> <p>6 Maryland correctional facility. This call will</p> <p>7 be recorded and monitored. If you wish to</p> <p>8 block any future calls of this nature, dial</p> <p>9 seven now. To accept this call, press zero</p> <p>10 now. To decline. Hey, what's up, baby.</p> <p>11 Nothing (inaudible). Huh? (Inaudible). Oh,</p> <p>12 you all back home.</p> <p>13 MS. GOO: Pause there for a second.</p> <p>14 Q. And who is on this phone call?</p> <p>15 A. My mother.</p> <p>16 Q. Okay. And she said she is back at Kara's</p> <p>17 house?</p> <p>18 A. Yes.</p> <p>19 Q. And who is Kara?</p> <p>20 A. My sister.</p> <p>21 Q. Okay. All right. If we could fast</p>

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<p>1 forward to 3:37.</p> <p>2 MR. GRUEN: 3:37.</p> <p>3 MS. GOO: Yes, please.</p> <p>4 MR. GRUEN: 3:35.</p> <p>5 AUDIO: Bought (inaudible) said</p> <p>6 (inaudible). You do. (inaudible) I got it</p> <p>7 brought it out too. (inaudible), need to ask</p> <p>8 him a few questions.</p> <p>9 MS. GOO: Stop there for a second.</p> <p>10 Q. Is it an accurate representation that you</p> <p>11 told your mom, "look, I brought Myron's number out</p> <p>12 here." She responded "I have Myron's number." You</p> <p>13 said "you do." She said "yeah." And you responded,</p> <p>14 "all right, I brought it too. I need to ask him a</p> <p>15 few questions." Is that an accurate representation</p> <p>16 of the recording?</p> <p>17 A. That's what it sounded like.</p> <p>18 Q. And how did you get Myron Brockington's</p> <p>19 phone number?</p> <p>20 A. Probably through my investigator.</p> <p>21 Q. I'm sorry.</p>	<p>1 A. Sounded like Myron.</p> <p>2 MS. GOO: Play a little bit further.</p> <p>3 AUDIO: Hello. Yeah, I'm here. And I</p> <p>4 ain't get the -- the -- the video part. Was</p> <p>5 that (inaudible).</p> <p>6 MS. GOO: Pause for a second, please.</p> <p>7 Q. And as a portion of that, because there</p> <p>8 was a little bit of back and forth, is it an</p> <p>9 accurate representation of the recording that you</p> <p>10 said "and I ain't got the -- I ain't got video part</p> <p>11 yet." And Mr. Brockington responded "he's supposed</p> <p>12 to be working on that one." Is that correct?</p> <p>13 A. That's what it sounded like.</p> <p>14 Q. What video were the two of you discussing.</p> <p>15 A. I don't know.</p> <p>16 Q. You don't know what video?</p> <p>17 A. I don't know.</p> <p>18 Q. Did Myron Brockington owe you some type of</p> <p>19 video?</p> <p>20 A. Did he owe me a video? What you mean?</p> <p>21 Q. Well, you're asking about a video of</p>
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<p>1 A. More than likely through my investigator I</p> <p>2 can see my boy.</p> <p>3 MS. GOO: If we could go to minute marker</p> <p>4 around 5:46.</p> <p>5 MR. GRUEN: 5:46.</p> <p>6 AUDIO: Phone down. (inaudible). Ain't</p> <p>7 nothing. I been trying to get up with you</p> <p>8 since after you met up with the private</p> <p>9 investigator but I was -- I did (inaudible) top</p> <p>10 the affidavit and I read over it and it's stuff</p> <p>11 like that.</p> <p>12 MS. GOO: Pause there for a second.</p> <p>13 Q. Is it an accurate representation of the</p> <p>14 recording that you said "ain't nothing. I've been</p> <p>15 trying to get up with you since after you met with</p> <p>16 the private investigator, but I just not too long</p> <p>17 ago got a copy of the affidavit and I read over it</p> <p>18 and just stuff like that." Is that accurate?</p> <p>19 A. That's what it sounded like.</p> <p>20 Q. And who was the other male voice that</p> <p>21 you're speaking with?</p>	<p>1 Mr. Brockington. What video would he have for you?</p> <p>2 A. Finish playing it. I'm trying to hear it</p> <p>3 out.</p> <p>4 Q. I'm sorry.</p> <p>5 A. I was trying to hear what the conversation</p> <p>6 is about.</p> <p>7 MS. GOO: Understood. Keep playing.</p> <p>8 AUDIO: What did you say (inaudible).</p> <p>9 Yeah, you said what about it. (inaudible). He</p> <p>10 want -- what happened on that. I said sold</p> <p>11 (inaudible), he (inaudible) all that. So want</p> <p>12 (inaudible) how to get a hold of it.</p> <p>13 (inaudible). When he get a hold of it. What</p> <p>14 you mean. (inaudible). I'm talking about</p> <p>15 whatever you all did that day. Yeah.</p> <p>16 (inaudible). You know what I'm talking about.</p> <p>17 Yeah. Yeah. That goes. Right, right, right.</p> <p>18 He get something done, get (inaudible) or</p> <p>19 something. But I got -- I said -- I sent</p> <p>20 (inaudible) to check up on what you did about</p> <p>21 that tape right.</p>

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<p>1 MS. GOO: We can stop there.</p> <p>2 Q. So you and Mr. Brockington appear to be</p> <p>3 talking about something about a chip and obtaining</p> <p>4 the video and prior --</p> <p>5 A. I know what we're talking about now.</p> <p>6 Q. What were you talking about?</p> <p>7 A. The actual video that he said existed in</p> <p>8 the bar. He said, yeah, that he basically confirmed</p> <p>9 that Sally was telling the truth that the police --</p> <p>10 like there is cameras in My Sally's Place bar, it</p> <p>11 was there at that time, he frequented the bar and</p> <p>12 the tapes was there. And the police took the tapes.</p> <p>13 So. But I never able was retrieve them.</p> <p>14 Q. So this is tapes from Sally's?</p> <p>15 A. Yes.</p> <p>16 Q. Why would Mr. Brockington have to do with</p> <p>17 something involving the tapes at Sally's?</p> <p>18 A. He said -- because that's evidence. And</p> <p>19 he was telling me about it.</p> <p>20 Q. He didn't work for Sally's, did he?</p> <p>21 A. No.</p>	<p>1 just stuff like that." So there was an affidavit</p> <p>2 that Mr. Brockington prepared for Wolfe. That's how</p> <p>3 I'm reading that. Is that correct?</p> <p>4 A. That's correct.</p> <p>5 Q. Okay. Then you follow up with, "I ain't</p> <p>6 get the video part yet."</p> <p>7 A. Is that what I said?</p> <p>8 Q. Yes. We can play it back for you if you</p> <p>9 need to.</p> <p>10 A. You can.</p> <p>11 MS. GOO: Okay. Go back to 6:12, please.</p> <p>12 MR. GRUEN: 601.</p> <p>13 AUDIO: (inaudible) got a copy of the</p> <p>14 affidavit and I read over it and (inaudible).</p> <p>15 Hello. Yeah, I'm here. And I ain't get -- I</p> <p>16 ain't get the -- the -- the video part yet.</p> <p>17 Was that (inaudible). Working on that. Huh,</p> <p>18 what did you say (inaudible). Yeah, you say</p> <p>19 what about it. (inaudible). He want -- what</p> <p>20 happened on that. I said (inaudible). He told</p> <p>21 them (inaudible). Oh, he going to let you know</p>
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<p>1 Q. So why would he have that video?</p> <p>2 A. Who said he had it.</p> <p>3 Q. Well, you're saying that two of you were</p> <p>4 talking about this video and he was trying -- you</p> <p>5 guys were having a conversation about it. So why</p> <p>6 would you be asking him about that video?</p> <p>7 A. Do you hear the conversation? If you</p> <p>8 listen to the conversation, it pretty much explains</p> <p>9 the part I'm saying. If you listen to the whole</p> <p>10 conversation.</p> <p>11 Q. I have. I'm asking you the question. So</p> <p>12 the two of you -- why are you asking Mr. Brockington</p> <p>13 about this specific tape and this video?</p> <p>14 A. Because it's more evidence that the police</p> <p>15 did things that they wasn't supposed to have been</p> <p>16 doing.</p> <p>17 Q. Prior to you asking questions about the</p> <p>18 video part, right before that, "ain't nothing, I've</p> <p>19 been trying to get up with you since after -- with</p> <p>20 the private investigator, but I just not too long</p> <p>21 got a copy of the affidavit and read over it and</p>	<p>1 how to get a hold of it. (inaudible).</p> <p>2 MS. GOO: Stop there.</p> <p>3 Q. So Mr. Thomas, again, so you were talking</p> <p>4 about the affidavit and then you said "I didn't get</p> <p>5 the video part yet."</p> <p>6 A. And then he said that he -- he was talking</p> <p>7 about the private investigator said that he ain't</p> <p>8 get a hold of it yet. A hold of it yet.</p> <p>9 Q. So that video, again, you were first</p> <p>10 talking about the affidavit and then you said the</p> <p>11 video part; isn't that correct?</p> <p>12 MR. BALLENGER: What's the question?</p> <p>13 A. I don't know.</p> <p>14 MR. BALLENGER: He answered it like three</p> <p>15 times. First of all I can't even understand</p> <p>16 what's being said. So if you have like a</p> <p>17 transcript that you're saying is an accurate</p> <p>18 transcript, I would like to hear it English.</p> <p>19 But he said -- I thought he said before the</p> <p>20 tapes or whatever videos he's referencing to</p> <p>21 those missing videos from My Sally's bar. And</p>

<p style="text-align: right;">Page 262</p> <p>1 there is a connection between Myron Brockington</p> <p>2 and Nina Wilson. So I don't know if that's</p> <p>3 what they are talking about, or if they are</p> <p>4 talking about some other video.</p> <p>5 Q. So you don't -- you're saying again that</p> <p>6 the video has to do with Sally's bar; is that right?</p> <p>7 A. Yeah, that's my recollection of that</p> <p>8 conversation. Because he's saying that he said he</p> <p>9 couldn't get a hold of it yet.</p> <p>10 Q. Did you ask Wolfe to get the affidavit of</p> <p>11 Myron Brockington?</p> <p>12 A. Yes.</p> <p>13 Q. Did you also ask him to do a video tape</p> <p>14 interview or affidavit of Myron Brockington?</p> <p>15 A. Yes.</p> <p>16 Q. You did?</p> <p>17 MR. BALLENGER: Wait a minute. That was</p> <p>18 two questions. You threw the affidavit in and</p> <p>19 then you threw the affidavit in with the video.</p> <p>20 MS. GOO: I can ask the question</p> <p>21 separately.</p>	<p style="text-align: right;">Page 264</p> <p>1 A. I don't recall.</p> <p>2 MR. BALLENGER: Do you know if a video was</p> <p>3 ever done?</p> <p>4 A. I think it's -- I believe so.</p> <p>5 Q. And, again, do you know where that</p> <p>6 affidavit is, the written one?</p> <p>7 A. I don't -- like -- I got plenty of</p> <p>8 paperwork. I'm assuming it's in there somewhere.</p> <p>9 Q. Is that paperwork you keep at home?</p> <p>10 A. Yes.</p> <p>11 Q. And did you give advisements to</p> <p>12 Mr. Brockington about what to say when he spoke with</p> <p>13 the private investigator?</p> <p>14 A. I don't recall. Like give advice?</p> <p>15 Q. Yeah, tell him what to say?</p> <p>16 A. Oh, no.</p> <p>17 Q. I'm sorry.</p> <p>18 A. I don't recall.</p> <p>19 MS. GOO: If we could go to about ten</p> <p>20 minutes into the call.</p> <p>21 MR. GRUEN: I'm at 9:55.</p>
<p style="text-align: right;">Page 263</p> <p>1 MR. BALLENGER: Would you do that.</p> <p>2 Q. Did you ask for an affidavit of Myron</p> <p>3 Brockington from Wolfe?</p> <p>4 A. I did.</p> <p>5 Q. Did you also ask for a videotaped</p> <p>6 affidavit and/or interview of Myron Brockington?</p> <p>7 A. I did.</p> <p>8 Q. Okay. And do you have a copy of the</p> <p>9 affidavit that Wolfe got, the signed affidavit, the</p> <p>10 written one of Myron Brockington?</p> <p>11 A. Somewhere, yeah.</p> <p>12 Q. And what about the video statement of</p> <p>13 Myron Brockington?</p> <p>14 A. No.</p> <p>15 Q. Were you ever able to obtain that?</p> <p>16 A. No.</p> <p>17 Q. Do you know whether or not -- even though</p> <p>18 you haven't seen it, do you know whether or not</p> <p>19 anybody -- any of your people, so mom, Dina, Donna,</p> <p>20 do you know if any of them saw the recording or the</p> <p>21 video of Myron Brockington?</p>	<p style="text-align: right;">Page 265</p> <p>1 AUDIO: Everything went -- on the video,</p> <p>2 when he did the camera part (inaudible) what he</p> <p>3 asked you -- what did he ask you, a series of</p> <p>4 questions or something. Yeah.</p> <p>5 MS. GOO: Pause for a second.</p> <p>6 Q. So is it an accurate representation that</p> <p>7 you said on the video "where he did the camera part</p> <p>8 for you, he asked you a series of questions or</p> <p>9 something." Is that correct?</p> <p>10 A. That's what it sounded like he said.</p> <p>11 Q. Okay. And Myron said yeah. You heard</p> <p>12 that part?</p> <p>13 A. That's what it sounded.</p> <p>14 Q. And is that the video statement that we</p> <p>15 have been talking about?</p> <p>16 A. Yes, I would say.</p> <p>17 MS. GOO: Go on, please.</p> <p>18 AUDIO: Oh, yeah. Because the reason why</p> <p>19 I say that, right, is because (inaudible) read</p> <p>20 over the affidavit, I know that like -- you</p> <p>21 know when you don't like -- I understand what</p>

<p style="text-align: right;">Page 266</p> <p>1 you're saying like, all right, like it comes to</p> <p>2 a point where let's say in a question</p> <p>3 demonstration, it's like, you know it wasn't</p> <p>4 him. What do you say in a situation where they</p> <p>5 say, well, you knew it wasn't him when you see</p> <p>6 him in court, why did you do it anyway. But</p> <p>7 you did it anyway like. You understand what</p> <p>8 I'm saying. Like what would you come back and</p> <p>9 say to that. Because they are going to ask a</p> <p>10 question like that because it's a simple</p> <p>11 question to ask. Like who made you do that,</p> <p>12 like what made you (inaudible). You know what</p> <p>13 fix that. What. Black and white pictures.</p> <p>14 MS. GOO: If we can stop there for a</p> <p>15 second.</p> <p>16 Q. Is it an accurate representation you said</p> <p>17 "because the reason why I say that, right, is</p> <p>18 because remember it over the affidavit, and I'm just</p> <p>19 trying to -- and I know like you know where you</p> <p>20 don't -- like I understand what you're saying, all</p> <p>21 right, like it comes to a point where let's say and</p>	<p style="text-align: right;">Page 268</p> <p>1 MS. GOO: If we could continue playing,</p> <p>2 please.</p> <p>3 AUDIO: Right, all right. Yeah, I</p> <p>4 understand. I understand about the black and</p> <p>5 white picture part. This ain't -- this ain't</p> <p>6 me. Let's just say -- let's just this is the</p> <p>7 states attorney (inaudible) saying this.</p> <p>8 Because this is a serious question, all right,</p> <p>9 I'm just going over it with you. Like, all</p> <p>10 right, there came a time (inaudible) black and</p> <p>11 picture was one thing. But when you see him in</p> <p>12 person, that's a whole another thing. Either</p> <p>13 you (inaudible) 100 percent sure or you're 100</p> <p>14 percent sure it's not.</p> <p>15 MS. GOO: Stop for a second.</p> <p>16 Q. So were you talking about the presentation</p> <p>17 of a photographic array versus an in-person</p> <p>18 identification?</p> <p>19 A. That's what it sounded like.</p> <p>20 Q. Keep going.</p> <p>21 AUDIO: Why would you do it (inaudible)</p>
<p style="text-align: right;">Page 267</p> <p>1 the question demonstration is like, all right, you</p> <p>2 know it wasn't him, what do you say in a situation</p> <p>3 when you say, well, you know it wasn't him but you</p> <p>4 say it was in court. Why do you do it anyway. Like</p> <p>5 you did it anyway, like you understand what I'm</p> <p>6 saying, what would -- what would you say to that.</p> <p>7 Because they are going to ask the question. So I</p> <p>8 guess it's a simple question to ask like what made</p> <p>9 you do that." And Mr. Brockington then responded</p> <p>10 "you know what would fix that", you say "what", and</p> <p>11 Mr. Brockington then said "them black and white</p> <p>12 pictures." Is that an accurate representation of</p> <p>13 what you and Mr. Brockington discussed.</p> <p>14 A. That's what it sounded like.</p> <p>15 Q. What were you trying to tell him about</p> <p>16 this whole thing with the question demonstration?</p> <p>17 A. I was trying to get him to answer a</p> <p>18 question that seemed obvious, like of the situation.</p> <p>19 Like he knew it wasn't me, he said he knew it wasn't</p> <p>20 me, why did you pick me anyway. What was the reason</p> <p>21 behind it?</p>	<p style="text-align: right;">Page 269</p> <p>1 talking about (inaudible) talking about</p> <p>2 (inaudible). Huh. (inaudible) about. About</p> <p>3 the other stuff. (inaudible). Yeah, yeah,</p> <p>4 talking about flea market dude. Yeah,</p> <p>5 (inaudible). Huh. That's the confirmation.</p> <p>6 Oh, okay, okay. (inaudible) That's what you</p> <p>7 were saying is (inaudible) for sure because I</p> <p>8 see. (inaudible). Okay. Okay. Okay.</p> <p>9 (inaudible) come up. Right, right. I mean</p> <p>10 because I don't know -- I know he had a series</p> <p>11 of questions, Wolfe asked you that about that</p> <p>12 part. Did he ever ask you that. (inaudible)</p> <p>13 Oh he did.</p> <p>14 MS. GOO: Stop for a second.</p> <p>15 Q. So there is a back and forth between you</p> <p>16 and Mr. Brockington about the flea market dude and</p> <p>17 the confirmation. What were you discussing at that</p> <p>18 point?</p> <p>19 A. What we were discussing?</p> <p>20 Q. Yes. So what was the confirmation?</p> <p>21 A. I don't understand the question.</p>

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<p>1 Q. Let me ask the question differently. So</p> <p>2 Myron says to you, "remember when we talked about,</p> <p>3 remember when we talked about the people with yo."</p> <p>4 You say "huh", Myron says "remember when we were</p> <p>5 talking about the other dude, about the other</p> <p>6 stuff." Myron says "the other dude, the other</p> <p>7 dude." You respond "Oh, yeah, you talking about</p> <p>8 flea market dude." First of all is that an accurate</p> <p>9 representation about a part of that audio?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Then Myron says "yeah, the</p> <p>12 confirmation" and that's accurate too, right?</p> <p>13 A. I don't know. I mean I don't know what</p> <p>14 that means.</p> <p>15 Q. So I'm saying the recording says he says</p> <p>16 "yeah, the confirmation". You heard that?</p> <p>17 A. I guess, yeah.</p> <p>18 Q. Okay. So when -- when the two of you are</p> <p>19 talking about the flea market dude and Myron says</p> <p>20 something about the confirmation, Myron then says</p> <p>21 "that was the confirmation", do you know what the</p>	<p>1 telling you that there is another guy, there is</p> <p>2 another dude who shot him, right?</p> <p>3 A. That's what's being said.</p> <p>4 Q. That's what he said in this phone call?</p> <p>5 A. That's what he said.</p> <p>6 Q. Correct. And he said that at the flea</p> <p>7 market you recall him saying, during -- I can't</p> <p>8 remember if it was this call or the other one that</p> <p>9 we played, "when I saw him I would have stabbed</p> <p>10 him". Do you recall -- do you remember him saying</p> <p>11 that?</p> <p>12 A. I recall that.</p> <p>13 Q. Okay. So I don't think that you would --</p> <p>14 you would agree that Myron Brockington was shot that</p> <p>15 night, right, in 2001?</p> <p>16 A. For sure.</p> <p>17 Q. So he has knowledge of who you say is the</p> <p>18 likely shooter here, or the shooter that everybody</p> <p>19 says is the shooter. Why would you not encourage</p> <p>20 him to go to the police?</p> <p>21 A. Tricky question. We talking about the</p>
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<p>1 talk of you were talking about?</p> <p>2 A. I don't know what that meant.</p> <p>3 Q. Okay.</p> <p>4 A. Literally, I don't.</p> <p>5 Q. And then in the --</p> <p>6 A. I guess.</p> <p>7 Q. Sorry.</p> <p>8 A. Unless the confirmation can be that he for</p> <p>9 sure seen the guy in the flea market. I'm</p> <p>10 assuming -- now I'm replaying that little bit piece</p> <p>11 of tape.</p> <p>12 Q. Did you ever encourage Mr. Brockington to</p> <p>13 go to the police with this information?</p> <p>14 A. No.</p> <p>15 Q. Why not?</p> <p>16 A. It wasn't on my mind. I don't -- I</p> <p>17 don't -- I don't --</p> <p>18 MR. NATHANS: It wasn't on your mind.</p> <p>19 A. Yeah.</p> <p>20 Q. I mean at this point, so this phone call</p> <p>21 was in 2016, July of 2016. And Myron Brockington is</p>	<p>1 same police who had that same information but said</p> <p>2 that I did it. That's tricky. Like they said I did</p> <p>3 it. They said I'm the shooter. They said that</p> <p>4 before they even questioned me. Gave me one</p> <p>5 question. A warrant was put out for my arrest</p> <p>6 before one question was asked. And a description of</p> <p>7 a short dark skinned person was the description</p> <p>8 given by three, four different people. Why would I</p> <p>9 trust them? Why would I even say and point somebody</p> <p>10 in that direction? Why would I do that?</p> <p>11 Q. You've been using the word tricky. What</p> <p>12 do you mean by tricky?</p> <p>13 A. Tricky means that there is a situation</p> <p>14 where you feel as though even what's supposed to be</p> <p>15 the right thing could be the wrong thing for you.</p> <p>16 That's what I mean by tricky.</p> <p>17 Q. Do you recall trying to also -- did you</p> <p>18 ask Myron Brockington about Dewey Morgan as well and</p> <p>19 trying to get in touch with him?</p> <p>20 A. I guess that was a possibility. I mean</p> <p>21 they all hung around that same bar and I assume that</p>

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<p>1 they all knew each other.</p> <p>2 MS. GOO: Go to 16:35, please.</p> <p>3 MR. GRUEN: 16:25.</p> <p>4 AUDIO: A lot easier for the truth to be,</p> <p>5 you know, more amplified, right. But didn't</p> <p>6 you say that Dewey came home not too long ago</p> <p>7 or something. Did you see him. Did you see</p> <p>8 Dewey (inaudible). Who. Dewey Morgan. No, I</p> <p>9 ain't see him (inaudible). Yeah, okay, because</p> <p>10 he almost -- (inaudible) him alone almost got</p> <p>11 me (inaudible) the first time, it's just, you</p> <p>12 know, different thing. And lucky for me that</p> <p>13 you and the private investigator (inaudible)</p> <p>14 and all came well and you get to know what's on</p> <p>15 my mind and I got to know what's on yours, you</p> <p>16 understand what I'm saying.</p> <p>17 Q. Stop there. So was that you asking about</p> <p>18 Dewey Morgan to Mr. Brockington?</p> <p>19 A. That was.</p> <p>20 Q. Okay. So you -- I'll ask a different</p> <p>21 question. Did you and Mr. Brockington come to an</p>	<p>1 A. Nobody made an offer to Brockington.</p> <p>2 Q. Who discussed that with him?</p> <p>3 A. Like it was said -- like I said in that</p> <p>4 statement, he said that he wanted to be paid</p> <p>5 initially for his own truth.</p> <p>6 Q. And how did -- who had that conversation</p> <p>7 with him?</p> <p>8 A. The private investigator, I believe.</p> <p>9 Q. And was that ever -- did you ever discuss</p> <p>10 that with him in your phone calls?</p> <p>11 A. You say did I discuss what? What he said?</p> <p>12 Q. Payment to him. Did you ever discuss</p> <p>13 payment to him?</p> <p>14 A. I don't recall.</p> <p>15 Q. To Mr. Brockington?</p> <p>16 A. I don't recall.</p> <p>17 Q. Would you have done it if he insisted?</p> <p>18 MR. BALLENGER: I would object to the</p> <p>19 speculation of it. But you can answer.</p> <p>20 A. I was -- I was always animated against it,</p> <p>21 like, and -- I don't know.</p>
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<p>1 agreement about payment to him?</p> <p>2 A. No.</p> <p>3 Q. For his statements?</p> <p>4 A. No.</p> <p>5 Q. Okay. Did you ever have a discussion with</p> <p>6 your mother, Ms. Angela Campbell, about paying</p> <p>7 Mr. Brockington?</p> <p>8 A. That -- a discussion -- payment --</p> <p>9 payments was initially -- it was a -- it was at a</p> <p>10 time in the beginning where he ain't feel</p> <p>11 comfortable and he wanted -- and he asked for</p> <p>12 payment for his truth. But at the end, that all</p> <p>13 fell to the waste line and all I had to do was pay</p> <p>14 my private investigator for it.</p> <p>15 Q. But there was initially discussion about</p> <p>16 payment with Mr. Brockington between either you or a</p> <p>17 member of your family; is that right?</p> <p>18 A. There was.</p> <p>19 Q. Okay.</p> <p>20 A. Not from my end.</p> <p>21 Q. Who made an offer to Mr. Brockington?</p>	<p>1 Q. Okay. So your answer is I don't know?</p> <p>2 A. I don't know.</p> <p>3 Q. All right. If we could go to a call dated</p> <p>4 June 30th, 2016. And it's call D4C184 to phone</p> <p>5 number (240)217-8599. And do you recognize -- first</p> <p>6 of all before we start the call, do you recognize</p> <p>7 whose number that is?</p> <p>8 A. 8599.</p> <p>9 Q. Yes.</p> <p>10 A. That's sounds like my mother's number.</p> <p>11 MS. GOO: If we would start just the</p> <p>12 introductory portion and then go to 15. Go</p> <p>13 ahead.</p> <p>14 AUDIO: Hello. You have a prepaid call.</p> <p>15 You are not being charged for this call. This</p> <p>16 call is from Melvin, an inmate at a Maryland</p> <p>17 correctional facility. This call will be</p> <p>18 recorded and monitored. If you wish to block</p> <p>19 any future calls of this nature, dial seven</p> <p>20 now. To accept this call, press -- Hello.</p> <p>21 What's up. Nothing. How you doing. I'm good.</p>

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<p>1 MS. GOO: Can we stop there.</p> <p>2 Q. Do you recognize the female voice?</p> <p>3 A. It's my mom.</p> <p>4 MS. GOO: Go to 15:40.</p> <p>5 MR. GRUEN: 1530.</p> <p>6 MS. GOO: Thank you.</p> <p>7 AUDIO: What's going on. What's going on.</p> <p>8 (inaudible). All right. Maybe you can tell</p> <p>9 (inaudible) plan can't do it correctly then</p> <p>10 (inaudible). Two more hundred dollars, give</p> <p>11 him 500 (inaudible) go to court. Five and do a</p> <p>12 affidavit for five and go to court.</p> <p>13 MS. GOO: Stop there a second.</p> <p>14 Q. So is it an accurate representation of the</p> <p>15 recording that you said "all right, maybe you can</p> <p>16 tell him the plan. If you can't do it correctly,</p> <p>17 don't even try." Then she says "get two more</p> <p>18 hundred dollars and \$500 and he get the five when he</p> <p>19 go to court. He get five when he do the affidavit,</p> <p>20 five when he go to court." Is that an accurate</p> <p>21 representation --</p>	<p>1 you ain't keep talking like that. All I'm</p> <p>2 saying is -- all I'm saying is -- all I'm</p> <p>3 saying is, yeah, he going to get that. I just</p> <p>4 now told you. He ain't going to give nothing</p> <p>5 without getting something. So, yeah, he going</p> <p>6 to get the five, he going to get that. That's</p> <p>7 the affidavit thing. He going to get that,</p> <p>8 yeah.</p> <p>9 MS. GOO: Stop there.</p> <p>10 Q. So is it accurate that you said "listen,</p> <p>11 am, you don't have to keep going to money and all</p> <p>12 that, all I'm saying is, yeah, going to get that, I</p> <p>13 just done told you he ain't going to do nothing</p> <p>14 without getting something, so, yeah. He going to</p> <p>15 get the five, he going to get that, at the affidavit</p> <p>16 thing yeah, he going to get that." Is that</p> <p>17 accurate?</p> <p>18 A. That's accurate.</p> <p>19 Q. So you were saying Myron was going to get</p> <p>20 paid after doing the affidavit at that point during</p> <p>21 the phone call, right?</p>
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<p>1 A. That's what was said.</p> <p>2 Q. -- of the recording. And this was a</p> <p>3 discussion about who?</p> <p>4 A. That was the discussion about Myron.</p> <p>5 Q. Okay. Keep going further, please.</p> <p>6 AUDIO: You got to realize, I mean I was</p> <p>7 thinking about it like this, right. That</p> <p>8 nigger said he wanted to be compensated. He</p> <p>9 never really say what -- what, you know, the</p> <p>10 (inaudible) would have been like that, do you</p> <p>11 understand what I'm saying.</p> <p>12 MS. GOO: Stop there for a second.</p> <p>13 Q. So is it accurate that you said "you got</p> <p>14 to realize I was thinking about it like this, that</p> <p>15 nigger said that he wanted to be compensated. He</p> <p>16 never really say what." Is that what was said?</p> <p>17 A. That's what was said.</p> <p>18 Q. If we go to 17:45, please.</p> <p>19 MR. GRUEN: 1740.</p> <p>20 AUDIO: Don't get (inaudible) until after</p> <p>21 he do the affidavit and stuff, right. Listen,</p>	<p>1 A. That's what was said.</p> <p>2 Q. So Mr. Brockington, was he ever paid?</p> <p>3 A. No. No. Actually my understanding, my</p> <p>4 understanding that the private investigator</p> <p>5 convinced him otherwise and that was his money.</p> <p>6 Q. So you said that the private investigator</p> <p>7 convinced him otherwise.</p> <p>8 A. That -- go ahead.</p> <p>9 Q. Was Mr. Brockington ever told that he was</p> <p>10 going to get paid?</p> <p>11 A. He asked to be paid.</p> <p>12 Q. He asked. And in response was he ever</p> <p>13 told that he was going to get paid?</p> <p>14 MR. BALLENGER: By who?</p> <p>15 Q. By anybody on your behalf?</p> <p>16 A. I don't recall.</p> <p>17 Q. So it's possible that somebody said,</p> <p>18 "yeah, you will get paid"?</p> <p>19 A. What, it's possible that somebody may have</p> <p>20 agreed to that?</p> <p>21 Q. That somebody said to him that?</p>

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<p>1 A. I don't know.</p> <p>2 Q. So is it possible that your mother said to</p> <p>3 him, "yeah, you'll get payment"?</p> <p>4 A. There is a possibility that somebody</p> <p>5 probably said that to him.</p> <p>6 Q. Is it possible that Wolfe said that to</p> <p>7 him, that he would have gotten payment?</p> <p>8 A. I don't think it's possible that -- Wolfe</p> <p>9 was always against it anyway.</p> <p>10 Q. Why was Wolfe against it?</p> <p>11 A. Because he said that -- he said that the</p> <p>12 truth is the truth, you shouldn't be paying him to</p> <p>13 tell what the truth is.</p> <p>14 Q. Okay. Are you aware of any type of</p> <p>15 compensation, anything that Mr. Brockington got in</p> <p>16 exchange for the affidavit?</p> <p>17 A. No.</p> <p>18 MS. GOO: I think we're going to take a</p> <p>19 five minute break now.</p> <p>20 MR. BALLENGER: Sure.</p> <p>21 VIDEOGRAPHER: We are going off the</p>	<p>1 What's up. Not much (inaudible). Huh.</p> <p>2 MS. GOO: Stop there for a second.</p> <p>3 Q. Is that Dina on the phone?</p> <p>4 A. That's her.</p> <p>5 Q. And who is -- just for the record, who is</p> <p>6 Dina in your life?</p> <p>7 A. I mean we don't talk any more.</p> <p>8 Q. Was she a girlfriend of yours at some</p> <p>9 point?</p> <p>10 A. At some point.</p> <p>11 Q. Okay. Go to 15:24. And back in 2016 what</p> <p>12 was your relationship with her?</p> <p>13 A. I just said it.</p> <p>14 Q. Were you in a relationship in 2016?</p> <p>15 A. I mean as much as a person in prison can</p> <p>16 be in a relationship.</p> <p>17 Q. Was she somebody you considered to be</p> <p>18 close to you?</p> <p>19 A. Yes.</p> <p>20 MR. GRUEN: 15:23.</p> <p>21 MS. GOO: All right.</p>
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<p>1 record. The time is 4:06 p.m.</p> <p>2 (Off the record colloquy.)</p> <p>3 VIDEOGRAPHER: We are back on the record.</p> <p>4 The time is 4:22 p.m. This is media number</p> <p>5 six.</p> <p>6 Q. Thank you. We're going to go to a call</p> <p>7 dated May 19, 2016. It is D4C147 to phone number</p> <p>8 (410) 812-7500. And Mr. Thomas, I believe you</p> <p>9 already testified that that's a number for Dina</p> <p>10 Thomas?</p> <p>11 A. 7500?</p> <p>12 Q. Yes.</p> <p>13 A. No. That's my mother's number. Hold up.</p> <p>14 7500. What's the first four digits?</p> <p>15 Q. (410) 812-7500?</p> <p>16 A. Yeah, yeah, I believe that's Dina.</p> <p>17 Q. That's Dina. Okay. If we could play just</p> <p>18 Dina's part of the call.</p> <p>19 AUDIO: This call will be recorded. If</p> <p>20 you wish to (inaudible) future calls of this</p> <p>21 nature, dial. Good morning. Good morning.</p>	<p>1 AUDIO: (inaudible) tell this shit, get</p> <p>2 paid. He basically want to charge me for the</p> <p>3 truth. (inaudible) agree to what (inaudible) I</p> <p>4 don't know what the fuck is going on with that.</p> <p>5 MS. GOO: Stop there for a second.</p> <p>6 Q. So you said "him and Tyreke agreed to some</p> <p>7 shit about because this nigger want to get paid. He</p> <p>8 basically want to charge me for the truth. Yeah,</p> <p>9 they agreed to some type of ransom or something."</p> <p>10 Is that what was said?</p> <p>11 A. That's what was said, yes.</p> <p>12 MS. GOO: If you go to 16:07.</p> <p>13 MR. GRUEN: 1601.</p> <p>14 AUDIO: That's where we at. That's where</p> <p>15 we at. And I mean they do a video confirmation</p> <p>16 (inaudible) after everything is handled. I</p> <p>17 don't know what's happening. You're the first</p> <p>18 person I called since I talked to Myron last</p> <p>19 night. I just had to give you this news. I'm</p> <p>20 coming home, yeah. It's about to go down</p> <p>21 (inaudible).</p>

<p style="text-align: right;">Page 286</p> <p>1 MS. GOO: Pause for a second.</p> <p>2 Q. Sorry, we're going to switch phone calls</p> <p>3 now. So if we go to June 30th, 2016. And this is</p> <p>4 call number D4C184. And this is to phone number</p> <p>5 (240) 217-8599. And you testified previously that</p> <p>6 this 8599 number is your mother's, correct?</p> <p>7 A. That's right.</p> <p>8 Q. If you could play the introduction part of</p> <p>9 the call.</p> <p>10 AUDIO: Hello. You have a prepaid call.</p> <p>11 You will not be charged for this call. This</p> <p>12 call is from Melvin, an inmate at a Maryland</p> <p>13 correctional facility. This call will be</p> <p>14 recorded and monitored. If you wish to block</p> <p>15 any future calls of this nature, dial seven</p> <p>16 now. To accept this call, press. Hello.</p> <p>17 What's up. Nothing.</p> <p>18 MS. GOO: Stop there.</p> <p>19 Q. So this is a phone call with your mom?</p> <p>20 A. Yes.</p> <p>21 Q. If we can go to 17:50, please.</p>	<p style="text-align: right;">Page 288</p> <p>1 nothing without getting something so, yeah. He</p> <p>2 going to get the five, he going to get that. At the</p> <p>3 affidavit thing, yeah, he going to get that." Is</p> <p>4 that what you said?</p> <p>5 A. That's what I said.</p> <p>6 Q. So you said that, and you were talking</p> <p>7 about Myron Brockington, correct?</p> <p>8 A. I was.</p> <p>9 Q. And you were saying at that point, yeah,</p> <p>10 he was going to get paid, right?</p> <p>11 A. That's what he wanted to do, yeah.</p> <p>12 Q. I'm sorry.</p> <p>13 A. That's what he was asking.</p> <p>14 Q. But you were telling your mother that he</p> <p>15 was going to get paid in this phone call, correct?</p> <p>16 A. That's what I said, yeah.</p> <p>17 Q. Did you -- I know you mentioned previously</p> <p>18 you had a difficult time getting in touch with Wolfe</p> <p>19 at times when you were trying to contact him about</p> <p>20 the case; is that right?</p> <p>21 A. Yes.</p>
<p style="text-align: right;">Page 287</p> <p>1 MR. GRUEN: At 17:40.</p> <p>2 AUDIO: Get no money -- he ain't get no</p> <p>3 money until after he do the affidavit stuff,</p> <p>4 right. Listen, ma, you ain't got to keep on</p> <p>5 going about money and all that, talking like</p> <p>6 that. All I'm saying -- all I'm saying is --</p> <p>7 all I'm saying is, yeah, he going to get that.</p> <p>8 I just (inaudible) told you he ain't going to</p> <p>9 give nothing without getting something. So,</p> <p>10 yeah, he going to get the five. He going to</p> <p>11 get that. That's the affidavit thing. He</p> <p>12 going to get that, yeah.</p> <p>13 MS. GOO: Pause there.</p> <p>14 Q. So is it -- did your mom say "he don't get</p> <p>15 no money until he do the affidavit and stuff",</p> <p>16 right?</p> <p>17 A. That's what she said.</p> <p>18 Q. And did you then say "listen, ma, you</p> <p>19 don't have to keep going to money and all that. All</p> <p>20 I'm saying is, all I'm saying is, yeah, going to get</p> <p>21 that, that I just done told you he ain't going to do</p>	<p style="text-align: right;">Page 289</p> <p>1 Q. But there were occasions in which you were</p> <p>2 able to three-way call him so you could talk to him</p> <p>3 and ask him questions about the case; is that right?</p> <p>4 A. I'm sure.</p> <p>5 MS. GOO: If we could go to July 15th,</p> <p>6 2016. It's called D4C194 to phone number</p> <p>7 (240)217-8599.</p> <p>8 Q. And 8599 is your mother's number.</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And if you could just play from,</p> <p>11 let's go to minute marker 1:30.</p> <p>12 MR. GRUEN: This is at 1:26.</p> <p>13 AUDIO: Tell him all (inaudible) I got</p> <p>14 five more minutes. I need two minutes of his</p> <p>15 time. Two minutes. Hello. All right, I'm</p> <p>16 dialing. Shit, man. Only need two minutes of</p> <p>17 his time. (inaudible) Going to ask, I want to</p> <p>18 know what the fuck is up with all the</p> <p>19 questions, man.</p> <p>20 MS. GOO: Pause there.</p> <p>21 Q. So you were asking your mother to call</p>

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<p>1 Wolfe for you at this point because you had</p> <p>2 questions for him?</p> <p>3 A. Yes.</p> <p>4 MS. GOO: And if we go to 3:43.</p> <p>5 MR. GRUEN: 3:35.</p> <p>6 AUDIO: Hello. Yeah, you still on the</p> <p>7 phone. Yeah, I'm right here. What's going on.</p> <p>8 Ain't nobody -- like I don't know why Darnel</p> <p>9 and them ain't call you, but when she talked to</p> <p>10 me the other day she want to tell me that the</p> <p>11 shit you -- you can't see it really basically</p> <p>12 on the video, it was very blurry, my mom</p> <p>13 already told me (inaudible) about it,</p> <p>14 (inaudible) cool. But then she said she can</p> <p>15 hear it and I know what you told me and I was</p> <p>16 like, all right, man, thank you. (inaudible)</p> <p>17 talk on that day you said you did it, you told</p> <p>18 me (inaudible) that you asked all of my</p> <p>19 questions. Yes.</p> <p>20 MS. GOO: Pause that for a second.</p> <p>21 Q. So you're on the call with Wolfe at this</p>	<p>1 with seeing the video?</p> <p>2 A. According to what I said.</p> <p>3 MS. GOO: Could you hit play.</p> <p>4 AUDIO: Say that every time (inaudible)</p> <p>5 only three minutes. I don't see how you asked</p> <p>6 all those questions in three minutes and got</p> <p>7 answers from him. (inaudible) questions.</p> <p>8 Unless they got a short version of what you</p> <p>9 asked. I know what you told me. And ain't</p> <p>10 nobody really can't give me no clear answers so</p> <p>11 that's why I'm coming back to you. I mean</p> <p>12 (inaudible) about the video. So you know.</p> <p>13 Well, like I told your mother, (inaudible) and</p> <p>14 get with Donna. I'll get with Tyreke. I got</p> <p>15 all the videos on my phone. It's like five</p> <p>16 different videos, man. Right. So. Why is it</p> <p>17 five different ones, can you explain that to</p> <p>18 me. Because I had to use my phone and</p> <p>19 (inaudible) phone it (inaudible) let's you</p> <p>20 record or cut off and stop recording and that's</p> <p>21 why. And in that time, in that time we</p>
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<p>1 point, right?</p> <p>2 A. That's right.</p> <p>3 Q. And are the two of you discussing the</p> <p>4 Myron Brockington video?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay. And they were having some</p> <p>7 difficulty seeing the video?</p> <p>8 A. That's -- that's what I said.</p> <p>9 Q. Okay. And that's what either Donna or</p> <p>10 your mom told you about the video?</p> <p>11 A. That's what I said.</p> <p>12 Q. Why did you say that to him?</p> <p>13 A. I don't recall that.</p> <p>14 Q. But is it accurate that you said but</p> <p>15 then -- I'm sorry, hold on. Is it accurate you said</p> <p>16 "I don't know why Donna and them ain't call you but</p> <p>17 when she talked to me the other day she going to</p> <p>18 tell me that you can't really see it basically the</p> <p>19 video, it was very blurry. My mom already told me</p> <p>20 what you said about that, it's clear on your end.</p> <p>21 Cool." So did Donna tell you that she had issues</p>	<p>1 (inaudible) on it. I heard about that, I heard</p> <p>2 about that. Well, he said he checked it before</p> <p>3 he gave it to you it's fine, right. I don't</p> <p>4 know what happened, man. That was crazy. That</p> <p>5 was unfortunate. So you said that yours is</p> <p>6 clear, and you said that you did get a chance</p> <p>7 to ask all my questions. Because that's what</p> <p>8 you told me, right. Yes, Melvin. Yes, Melvin</p> <p>9 Thomas, I asked all of your questions. That's</p> <p>10 why I said I'm trying to get you (inaudible)</p> <p>11 see if I can get it on a flash drive or</p> <p>12 something so I can get it to your people</p> <p>13 because what I have is clear.</p> <p>14 MS. GOO: You can stop it. Thank you.</p> <p>15 AUDIO: Here we go.</p> <p>16 Q. So Mr. Thomas, you were having an</p> <p>17 extensive discussion with -- a discussion with</p> <p>18 Mr. Wolfe about trying to get a copy of this video,</p> <p>19 correct?</p> <p>20 A. That's what I said.</p> <p>21 Q. And you were -- I guess he said that he</p>

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1 was going to try to get it to you on a flash drive
 2 so you can get it to your people; is that right?
 3 A. That's what was said, yes.
 4 Q. Why was it important for you to get a copy
 5 of this video?
 6 A. I don't know. I mean I guess I wanted to
 7 hear what the video was about. I guess at that
 8 time.
 9 Q. I mean what Mr. Brockington said to Wolfe,
 10 was that important to you?
 11 A. It's my case.
 12 Q. That is a yes or no question?
 13 A. Everything is important to me about my
 14 case.
 15 Q. Okay. Did you ever get a transcript of
 16 the interview that was done by Mr. Brockington by
 17 Mr. Wolfe?
 18 A. No.
 19 Q. And did you get a report from Mr. Wolfe of
 20 that video statement that he took?
 21 A. No.

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1 Q. Okay. And you did eventually obtain an
 2 affidavit from Mr. -- sorry, Mr. Myron Brockington?
 3 A. Yes.
 4 Q. And that was in -- when was that?
 5 A. I don't know.
 6 Q. Was in December of 2018?
 7 A. I don't know.
 8 Q. Okay.
 9 (Deposition Exhibit 14 marked.)
 10 MS. GOO: Counsel.
 11 Q. And is that the affidavit that Mr. Myron
 12 Brockington did for you?
 13 A. That's what it looks like. That's what it
 14 looks like.
 15 Q. Sorry. And have you seen this document
 16 before?
 17 A. Yes.
 18 Q. Okay. And this was signed on December 4th
 19 of 2018?
 20 A. That's what it say.
 21 Q. Do you know where it was signed?

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1 A. I don't.
 2 Q. Okay. And this was something that
 3 Mr. Wolfe assisted you with?
 4 A. Yes. It wasn't just him there though.
 5 Q. It wasn't just --
 6 A. Yes.
 7 Q. So you said it wasn't just him there.
 8 What do you mean by that?
 9 A. I was speaking, sorry -- I answered your
 10 question.
 11 Q. I'm asking a follow-up question now. So
 12 who was present when the affidavit was signed?
 13 A. Law students.
 14 Q. Law students?
 15 A. And a notarizer, I believe. There was
 16 three people there.
 17 Q. So there was a notary there to sign off on
 18 this?
 19 A. Yeah.
 20 Q. And you said law students?
 21 A. Yeah, some people that he used to -- so

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1 it's just not him -- when he answering questions,
 2 it's not just him hearing the answers.
 3 Q. So witnesses?
 4 A. Yes.
 5 Q. Okay.
 6 A. Legal witnesses of some sort.
 7 Q. And this was done with Mr. Wolfe?
 8 A. Yes.
 9 Q. Okay. Do you know if this was done in an
 10 attorney's office or was this in Mr. Wolfe's office?
 11 A. I don't know.
 12 Q. Okay. Do you know if Mr. Bivricki was
 13 present for this?
 14 A. I don't think so. I don't know.
 15 Q. Okay.
 16 A. No, not for this.
 17 Q. Okay. So there were two affidavits that
 18 were completed by Mr. Brockington?
 19 A. I don't think so, no. I don't recall.
 20 Q. Okay. So if you could pull Exhibit 2 in
 21 front of you. You have the stack there.

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<p>1 MR. BALLENGER: What's Exhibit 2?</p> <p>2 MS. GOO: The answers to interrogatories.</p> <p>3 MR. BALLENGER: Is this my copy?</p> <p>4 MR. RIPKE: Can we take a break before you</p> <p>5 pose the next question.</p> <p>6 MS. GOO: Sure.</p> <p>7 VIDEOGRAPHER: We're going off the record.</p> <p>8 The time is 4:40 p.m.</p> <p>9 (Off the record colloquy.)</p> <p>10 VIDEOGRAPHER: We're back on the record.</p> <p>11 The time is 4:47 p.m.</p> <p>12 MR. BALLENGER: I just wanted to put on</p> <p>13 the record I just cleared up with Mr. Booth</p> <p>14 over here. This affidavit right here was</p> <p>15 signed by Mr. Brockington with Mr. Booth.</p> <p>16 Mr. Booth worked with Mr. Brockington to get</p> <p>17 this particular affidavit. So I'm just putting</p> <p>18 that on the record because it doesn't seem like</p> <p>19 we should -- I mean you can keep asking more</p> <p>20 questions but I just want to clear up this</p> <p>21 affidavit.</p>	<p>1 Wolfe and a notary and some other witnesses. Do you</p> <p>2 recall that?</p> <p>3 A. I guess I was -- I was misthinking. I was</p> <p>4 talking about the video. I was thinking about the</p> <p>5 video.</p> <p>6 Q. Okay.</p> <p>7 A. Yeah.</p> <p>8 Q. Was there another affidavit that you</p> <p>9 obtained from Mr. Brockington through Wolfe before</p> <p>10 the signed affidavit with Mr. Ripke?</p> <p>11 A. No.</p> <p>12 Q. So I just want to be clear about this.</p> <p>13 There is -- okay. I just want to know what there</p> <p>14 was from Mr. -- as to Mr. Wolfe, there were notes</p> <p>15 that you have related to his conversations with</p> <p>16 Mr. Brockington; is that right?</p> <p>17 MR. BALLENGER: Whose notes?</p> <p>18 MS. GOO: Sorry. So Mr. Wolfe's notes</p> <p>19 that he took from a conversation that he had</p> <p>20 with Mr. Brockington.</p> <p>21 Q. Do you have those notes?</p>
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<p>1 MS. GOO: So for this purpose, so</p> <p>2 interrogatory 19, your answer says that -- the</p> <p>3 question to you was "identify each and every</p> <p>4 person who was present at the signing of the</p> <p>5 affidavit of Myron Brockington dated</p> <p>6 December 4th, 2018", which is Exhibit 14. And</p> <p>7 it says that -- there is some language at the</p> <p>8 beginning that says "notwithstanding the</p> <p>9 objection. Booth Ripke, an attorney for</p> <p>10 plaintiff, was present when the affidavit was</p> <p>11 signed." So is this that affidavit that was</p> <p>12 signed on December 4th, 2018 with Mr. Ripke?</p> <p>13 MR. NATHANS: He wasn't there --</p> <p>14 MS. GOO: I understand.</p> <p>15 MR. RIPKE: Okay. I was in the room. And</p> <p>16 I worked with him to write the affidavit. So</p> <p>17 he can -- he'll answer whatever you're going to</p> <p>18 ask him, but he wasn't present.</p> <p>19 MS. GOO: Okay.</p> <p>20 Q. Are you aware -- so you described about --</p> <p>21 you described an affidavit that was signed involving</p>	<p>1 A. Do I have notes?</p> <p>2 Q. Or his report.</p> <p>3 A. I don't -- I can't recall that.</p> <p>4 Q. Is there some type of written product that</p> <p>5 you received from Mr. Wolfe documenting his</p> <p>6 interviews with Mr. Brockington?</p> <p>7 A. I never got the interview from</p> <p>8 Mr. Brockington.</p> <p>9 Q. Okay. As a part of his investigation,</p> <p>10 Mr. Wolfe also spoke with the owner of Sally's, a</p> <p>11 woman you say -- you know her as just Sally. Do you</p> <p>12 recall that?</p> <p>13 A. Yes.</p> <p>14 Q. And you stated that there were, correct me</p> <p>15 if I'm wrong, that you have a report from Mr. Wolfe</p> <p>16 with information about that entity; is that correct?</p> <p>17 A. I believe so, yes.</p> <p>18 Q. Okay. And is there any reason why you</p> <p>19 wouldn't be able to produce that to us?</p> <p>20 A. Because I know I seen it but I have not</p> <p>21 physically like seen it since I've been looking</p>

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<p>1 through my papers. But I know it exists. I can do</p> <p>2 another do-over or, you know.</p> <p>3 Q. So if we ask you to look for it, you</p> <p>4 could -- through your attorneys obviously, that's</p> <p>5 something that could be looked for?</p> <p>6 A. That's something that could be looked for.</p> <p>7 Q. Okay. I'm looking through my notes. And,</p> <p>8 again, correct me if I'm wrong, but I believe you</p> <p>9 testified that there was some type of report, this</p> <p>10 is not a statement, but a report that was prepared</p> <p>11 by Wolfe when he did some type of interview or</p> <p>12 investigation with Myron Brockington in the</p> <p>13 beginning stages of his investigation. And that's</p> <p>14 something that you do have in your possession as</p> <p>15 well; is that correct?</p> <p>16 A. A report?</p> <p>17 Q. A report or some type of memorandum</p> <p>18 documenting his conversation with Myron Brockington?</p> <p>19 A. I don't recall.</p> <p>20 Q. Okay. Do you recall whether such a report</p> <p>21 existed?</p>	<p>1 A. What you mean knowledge about the matter?</p> <p>2 Q. Because it says to identify "all persons</p> <p>3 who are likely to have personal knowledge of any</p> <p>4 fact alleged in the pleadings and state the subject</p> <p>5 matter of the personal knowledge possessed by such</p> <p>6 person." So my question is is there a reason why</p> <p>7 you did not include Anthony Wilson in this?</p> <p>8 A. Because he wasn't part of the case. He</p> <p>9 was a hired person. What I'm assuming. Maybe I</p> <p>10 didn't understand the question.</p> <p>11 MR. BALLENGER: And I'll just interject.</p> <p>12 To the extent that we didn't disclose it, that</p> <p>13 would be on us. I mean I may have looked at</p> <p>14 that and not known about it or overlooked it,</p> <p>15 so...</p> <p>16 MS. GOO: I have no further questions.</p> <p>17 MR. BALLENGER: Just give me a couple</p> <p>18 minutes with my co-counsel.</p> <p>19 VIDEOGRAPHER: We're going off the record.</p> <p>20 The time is 4:54 p.m.</p> <p>21 (Off the record.)</p>
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<p>1 A. I don't.</p> <p>2 Q. Okay. Other than the statement from</p> <p>3 Sally, are there any other documents that were</p> <p>4 prepared for you by Wolfe as a part of the</p> <p>5 investigation that you still have in your</p> <p>6 possession?</p> <p>7 A. No. Not that I recall.</p> <p>8 Q. So in the answers to interrogatories,</p> <p>9 interrogatory number one says to "identify all</p> <p>10 persons likely to have personal knowledge of any</p> <p>11 fact alleged in the pleadings and state the subject</p> <p>12 matter of the personal knowledge possessed by such</p> <p>13 person." And that's on page two of the answers to</p> <p>14 interrogatories in Exhibit 2. Now, you list a</p> <p>15 number of names, Nina Wilson, Alease Turner, Dewey</p> <p>16 Morgan, Donte Lyle and Myron Brockington. Is there</p> <p>17 a reason why you did not mention Anthony Wilson, the</p> <p>18 private investigator, Wolfe, as a person who had</p> <p>19 knowledge about this matter.</p> <p>20 A. He didn't have knowledge about the matter.</p> <p>21 Q. Sorry.</p>	<p>1 VIDEOGRAPHER: We are back on the record.</p> <p>2 The time is 4:56 p.m.</p> <p>3 MR. BALLENGER: I don't have anything</p> <p>4 further and we will read and sign.</p> <p>5 VIDEOGRAPHER: This marks the end of the</p> <p>6 deposition. We're going off the record. The</p> <p>7 time is 4:56 p.m.</p> <p>8 COURT REPORTER: Matt, you want a copy of</p> <p>9 the transcript?</p> <p>10 MR. BALLENGER: No.</p> <p>11 (Deposition concluded at 4:56 p.m.)</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>

<p style="text-align: right;">Page 306</p> <p>1 Certificate of Deponent</p> <p>2 I hereby certify that I have read and examined</p> <p>3 the foregoing transcript, and the same is a true</p> <p>4 and accurate record of the testimony given by me.</p> <p>5 Any additions or corrections that I feel are</p> <p>6 necessary, I will attach on a separate sheet of</p> <p>7 paper to the original transcript.</p> <p>8</p> <p>9 _____</p> <p>10 Melvin Thomas DATE</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 (If needed, make additional copies of the Errata</p> <p>20 Sheet on the next page or use a blank piece of</p> <p>21 paper.)</p> <p style="text-align: right;">Page 307</p> <p>1 ERRATA SHEET</p> <p>2 Case: _____</p> <p>3 Witness: _____ Date: _____</p> <p>4 PAGE/LINE SHOULD READ REASON FOR CHANGE</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 7478075</p>	<p style="text-align: right;">Page 308</p> <p>1 STATE OF MARYLAND</p> <p>2 I, David Corbin, a Notary Public in and</p> <p>3 for the State of Maryland, do hereby certify</p> <p>4 that the within named, MELVIN THOMAS,</p> <p>5 personally appeared before me at the time and</p> <p>6 place herein set according to law, was</p> <p>7 interrogated by counsel.</p> <p>8</p> <p>9 I further certify that the examination was</p> <p>10 recorded stenographically by me and then</p> <p>11 transcribed from my stenographic notes to the</p> <p>12 within printed matter by means of</p> <p>13 computer-assisted transcription in a true and</p> <p>14 accurate manner.</p> <p>15 I further certify that the stipulations</p> <p>16 contained herein were entered into by counsel</p> <p>17 in my presence.</p> <p>18 I further certify that I am not of counsel</p> <p>19 to any of the parties, not an employee of</p> <p>20 counsel, nor related to any of the parties, nor</p> <p>21 in any way interested in the outcome of this</p> <p>action.</p> <p>AS WITNESS my hand and Notarial Seal this</p> <p>25th day of August, 2025, at Centerville,</p> <p>Maryland.</p> <p style="text-align: center;">  David C. Corbin Notary Public </p> <p>My commission expires November 13, 2027</p> <p style="text-align: right;">Page 309</p> <p>1 Matt Ballenger, Esq.</p> <p>2 mballenger@br-lawyer.com</p> <p>3 August 25, 2025</p> <p>4 RE: Melvin Thomas v. George Vigue, Et Al</p> <p>5 8/11/2025, Melvin Thomas (#7478075)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 cs-midatlantic@veritext.com.</p> <p>16 Return completed errata within 30 days from</p> <p>17 receipt of testimony.</p> <p>18 If the witness fails to do so within the time</p> <p>19 allotted, the transcript may be used as if signed.</p> <p>20 Yours,</p> <p>21 Veritext Legal Solutions</p>
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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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